

Supreme Court of the State of New York
Appellate Division: Second Judicial Department

Elena Ruz Sassone
et al v.
The New York Times
Company, et al

ORDER TO SHOW CAUSE

Appellate Division Docket No.:

#2006-8091
#2006-10709
#2007-186

Upon the annexed affidavit of *Elena Ruz Sassone*, dated *April 23, 2007*,
_____, 200____, and the papers annexed thereto,

LET *the defendants* SHOW CAUSE BEFORE THIS COURT, at the courthouse thereof, located at 45 Monroe Place, Brooklyn, New York, 11201, on the *2nd* day of *May*, 200*7*, at 9:30 o'clock in the forenoon of that date or as soon thereafter as counsel may be heard, why an order should not be made and entered:

- 1. permitting the filing of an enlarged appellants' brief 192 words in excess*
- 2. permitting a supplement to the record on appeal consisting of correspondence with the OCA as to the status of Westchester Co. Cmt Judge Jerald Coeh +*
3. Granting such other and further relief as to the court may seem just and equitable. *rules pertaining to*

SUFFICIENT CAUSE THEREFOR APPEARING, it is *Acting Supreme Ct Justice*
ORDERED that pending the hearing and determination of this motion

_____ are stayed; and it is further,

ORDERED that service of a copy of this order to show cause and the papers upon which it was made upon _____ by

- personal delivery pursuant to CPLR 2103(b)(1)
- office delivery pursuant to CPLR 2103(b)(3)
- overnight delivery service pursuant to CPLR 2103(b)(6)

on or before *April 24*, 200*7*, shall be deemed sufficient service thereof.

Dated: Brooklyn, New York

April 23, 200*7*

[Signature]
Associate Justice
Appellate Division: 2nd Department

Appellate Division, 2nd Dept

Elena R. Jasso, et al v.

The NY Times Co, et al

State of NY)
County of Brooklyn) ss:

Elena R. Jasso, being duly sworn, deposes and says:

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- ① I am the plaintiff-appellant pro se herein and request permission to file an enlarged brief - exceeding the word limit of 14,816, approved by this Court's Clerk, James Pelzer.
- ② Such approval by Mr. Pelzer was based on a draft brief submitted to him pursuant to Sec 670.103(e) of the Rules of this Court, under a cover letter requesting an enlarged brief of 14,900 words so as to "accommodate additional record citations and modifications"
- ③ It appears that Mr. Pelzer was unable - or felt himself unable - to grant the requested 14,900 words because the submitted draft brief was 14,816.

④ Mr Pelzer's April 6, 2007 letter to me, and my March 29, 2007 letter to him are annexed to the finalized brief that plaintiffs-appellants wish to file, as part of the Certificate of Compliance.

⑤ These additionally repeated words are attributable to copying several references that annotate the brief and, additionally, because — as a convenience to the court plaintiffs-appellants reproduced, in full, Part 33 of the Rules of the Chief Judge, which had not been included in the draft brief. Such verbatim quotation of Part 33 appears at pages 40-41 of what is now Point 1, relating to the assignment of County Court Judge Gerald E. Cochr, as an Acting Supreme Court Justice, for this case.

⑥ To further assist the court in resolution of this threshold Point 1, plaintiffs-appellants have submitted a supplement to the record on appeal, consisting of correspondence

with the Office of Court Administration
of the Unified Court System
pertaining to Judge Cochr's
status and the procedures and
rules pertaining to his designation
as Acting Supreme Court Justice.

⑦ By this affidavit plaintiffs-appellants
additionally request permission for
inclusion of this exchange of
correspondence with the OCA in the
Record on Appeal. It was not
anticipated that such included
correspondence would be problematic
as these are OCA records, of which
judicial notice may be taken.
Such was so stated at footnote 1
of plaintiffs-appellants' brief.

⑧ The supplement is preceded by a
yellow coversheet marked
"Supplement to the Record
Correspondence with the Unified
Court System/Office of Court
Administration"

The exchange of correspondence
spans pages 904-935
at the back of the bound record.