

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF WESTCHESTER

-----X  
ELENA RUTH SASSOWER, individually, and as  
Coordinator of the Center for Judicial Accountability, Inc.,  
CENTER FOR JUDICIAL ACCOUNTABILITY, INC.,  
and The Public as represented by them,

Plaintiffs,

Index #05-19841

**Moving Affidavit**

-against-

THE NEW YORK TIMES COMPANY, The New York Times,  
ARTHUR SULZBERGER, JR., BILL KELLER,  
JILL ABRAMSON, ALLAN M. SIEGAL, GAIL COLLINS,  
individually and for THE EDITORIAL BOARD,  
DANIEL OKRENT, BYRON CALAME, MAREK FUCHS,  
and DOES 1-20,

Defendants.

-----X  
STATE OF NEW YORK                    )  
COUNTY OF WESTCHESTER        ) ss.:

ELENA RUTH SASSOWER, being duly sworn, deposes and says:

1. I am the plaintiff *pro se* in the above-entitled action for libel and journalistic fraud, fully familiar with all the facts, papers, and proceedings heretofore had.

2. I submit this affidavit to swear to the truth of such facts as appear in plaintiffs' accompanying memorandum of law and to set forth additional facts in support of plaintiffs' requested relief for the Court's disqualification and, if denied, for disclosure by the Court of facts bearing upon the appearance and actuality of its bias and interest, as herein particularized. These additional facts – also constituting grounds for the requested renewal – specifically relate to the May 8, 2006 notice of Ninth Judicial District Administrative Judge Francis A.

Nicolai, assigning this case to this Court (Exhibit DD)<sup>1</sup>, his disqualifying interest in the case, and, likewise, the Court's disqualifying interest. This affidavit is additionally submitted to set forth facts pertaining to plaintiffs' requested vacatur of the materially false and prejudicial August 1, 2006 judgment (Exhibit EE) which defense counsel George Freeman, himself a DOE defendant, obtained, *ex parte* and without notice, from the Westchester County Clerk.

3. For the convenience of the Court, a Table of Contents follows:

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**THIS COURT WAS NOT RANDOMLY-ASSIGNED, BUT WAS HAND-PICKED BY ADMINISTRATIVE JUDGE NICOLAI, WHO KNEW HIMSELF TO BE DISQUALIFIED FOR APPARENT AND ACTUAL BIAS AND INTEREST**

4. Contrary to 22 NYCRR §202.3(b), this Court was not randomly-assigned, but was handpicked by Administrative Judge Nicolai, whose May 8, 2006 notice of assignment (Exhibit DD) gave no reason for such deviation, nor indication as to the basis for this Court's selection, and no notice to me.

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<sup>1</sup> This affidavit continues the sequence of exhibits begun with the verified complaint (annexing Exhibits A-T) and my June 1, 2006 affidavit in support of plaintiffs' opposition and cross-motion (annexing Exhibits U-BB).

5. Upon information and belief, it is normal and customary procedure that before the Administrative Judge removes a case from the computer-generated random assignment, he will have the pertinent records before him.

6. The pertinent records show that on Tuesday, April 25, 2006, Mr. Freeman, on the defendants' behalf, filed with the Westchester County Clerk's Office a request for judicial intervention (RJI) for his motion to dismiss plaintiffs' verified complaint, which he indicated as returnable on Monday, May 8, 2006 (Exhibit FF).<sup>2</sup> This was received by the Calendar Clerk's Office on Wednesday, April 26, 2006, but apparently not put into the computer for assignment to a judge until a full week later, Wednesday, May 3, 2006. The following occurred on that date: At 3:16 p.m., the computer randomly assigned the case to Supreme Court Justice Mary H. Smith – which the computer operator immediately rejected. The computer operator then generated a second random assignment (at 3:16 p.m.), this time to Supreme Court Justice Nicholas Colabella – which the computer operator also immediately rejected. Upon her doing so, the computer defaulted back to the original randomly-assigned judge, Justice Smith (at 3:20 p.m.). The computer operator thereupon generated a third random assignment, which was for Supreme Court Justice John R. LaCava (at 3:20 p.m.). This also was rejected by the computer operator, with the computer again defaulting back to the original randomly-assigned Justice Smith (3:21 p.m.).

7. The apparent reason for the computer operator's rejection of each of these three computer-generated randomly-assigned Supreme Court justices was her belief that they were

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<sup>2</sup> In so doing, Mr. Freeman did not indicate on his RJI (Exhibit FF) that he had agreed to adjourn the motion for 30 days, making it returnable on June 1, 2006 – a fact I pointed out in my May 23, 2006

disqualified, based on a recusal list maintained by the Calendar Clerk's Office. Such list contained the last name "Sassower" and the names of nine Supreme Court justices who had issued recusal orders: Barone, Bellantoni, Colabella, Donovan, Jamieson, Lefkowitz, Nastasi, Smith, Tolbert.

8. Upon information and belief, there is a locking feature in the computer system that prevents the computer from generating more than three randomly-selected judges for a given case. At that point, the case is referred to the Deputy Calendar Clerk, who then goes down a list of Supreme Court justices to see if there are any available who have not issued recusal orders. It would appear that the Deputy Calendar Clerk believed there were no available Supreme Court justices and referred the matter to Administrative Judge Nicolai's office.

9. Annexed hereto are copies of Justice Smith's August 4, 2004 recusal order (Exhibit GG-1) and of Justice LaCava's April 16, 2004 recusal order (Exhibit GG-2) in a case under index number 92-20421, bearing the caption, *George Sassower, individually and as trustee of specific monies held for the benefit of Elena R. Sassower v. Feltman, Karesh, Major & Farbman, et al.* These were the two recusal orders which were in the possession of the Calendar Clerk's Office on May 3, 2006. A copy of Justice Colabella's recusal order is not annexed as it was not then in the possession of the Calendar Clerk's Office – nor is it now.

10. Because the orders of Justices Smith and LaCava are not standing recusal orders but, rather, are limited to the case in which they were issued, neither of these judges were, in fact, disqualified from hearing this case. As a result, Administrative Judge Nicolai's

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letter to him (Exhibit Z-5, p. 2).

duty was to have referred the case to Justice Smith – as the first judge randomly assigned.

11. I do not know the basis upon which Administrative Judge Nicolai selected this Court – whose title is that of County Court judge and whose docket, exclusively, is criminal – to hear this Supreme Court civil action. However, following receipt of the Court's July 5, 2006 decision, I learned that this Court enjoys a close relationship with Administrative Judge Nicolai, including because they are both Democrats in a court where most of the Supreme Court justices are Republican. Indeed, in 2004, both this Court and Administrative Judge Nicolai ran together on the Democratic ticket for seats on the County Court, sharing, as well, endorsements from the Working Families Party (Exhibit HH). Such personal and political relationships as were developed at that time – if not previously – might explain this Court's selection – after only a year on the bench – to preside over a pilot Sex Offense Court. This selection, if not recommended or made by Administrative Judge Nicolai, certainly required his approval.

12. Prior to this Court's taking the bench in January 2005, the Court had run unsuccessfully for the Supreme Court in 2002 as a Democrat – a nomination which, like its nomination for the County Court in 2004 – required years of political connections and relationships.

13. This Court had a long political career in Yonkers, serving on its City Council from 1976-79, as Yonkers Mayor from 1980-1981, as Yonkers Civil Service Commissioner from 1984-1991, and as Chairman of the Westchester County Solid Waste Commission from 1999-2004. Reflecting the Court's continuing ties and friendships with the political power brokers – even those disgraced – is its recent attendance at a party given for former Yonkers

Democratic Chairman Ralph Arred, reported by The Journal News in an August 1, 2006 column by Phil Reisman, "*Politicos pay tribute to a poster boy of cronyism: Tax cheat Arred gets a big turnout at party*" (Exhibit II).

14. The brazen fraud committed by this Court's July 5, 2006 decision and order (Exhibit CC) – as demonstrated by plaintiffs' accompanying memorandum of law – undermines any view that Administrative Judge Nicolai referred this case to the Court because he believed it would render fair and impartial judgment or because it had some expertise not held by other eligible judges based in the White Plains courthouse.<sup>3</sup> Indeed, one would reasonably believe that if a County Court judge is specially assigned to a case by an Administrative Judge – thereby enabling him to assume the title of "Acting Supreme Court Justice", which he is otherwise not<sup>4</sup> – he would do as conscientious a job as possible so as to merit such designation and recognition in the future.

15. There is a more than reasonable appearance that the basis for Administrative Judge Nicolai's referring this case to the Court was to guarantee the outcome he desired: dismissal of the action. Especially is this so because an adjudication in my favor – and, more importantly, in favor of my co-plaintiff, Center for Judicial Accountability, Inc. (CJA) – would adversely affect him, personally and professionally.

16. As Administrative Judge of the Ninth Judicial District, Judge Nicolai well knows – independent of ¶3(b) of the verified complaint – that the Center for Judicial

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<sup>3</sup> Upon information and belief, the Court – before ascending to the bench – had no specialization in First Amendment or media law.

<sup>4</sup> The May 8, 2006 notice does not disclose that the Court is not an "Acting Supreme Court Justice" – but, only so-designated for purposes of hearing this case (Exhibit DD).

Accountability, Inc. (CJA) is the national successor to the local citizens' group, Ninth Judicial Committee, formed in 1989 "to oppose the political manipulation of judicial elections in the Ninth Judicial District of New York". Specifically, the Ninth Judicial Committee was founded by Eli Vigliano, Esq., plaintiffs' counsel herein, to oppose the written judge-trading deal by which the Republican and Democratic County Committees of the Ninth Judicial District agreed to cross-endorse seven judicial candidates over three years. Then Westchester County Court Judge Nicolai was a direct beneficiary of the deal.<sup>5</sup> By its terms, he was cross-endorsed in 1990 to fill the Supreme Court judgeship from which Republican Albert Emanuelli, cross-endorsed to that judgeship in 1989, resigned in 1990 pursuant to the deal, to be cross-endorsed for Westchester Surrogate, creating the Supreme Court vacancy for Democrat Nicolai. Indeed, it was this second 1990 phase of the deal – and the illegally-conducted judicial nominating conventions implementing it in which Judge Nicolai participated – that the Ninth Judicial Committee challenged in 1990 by the public interest election law case, *Castracan v. Colavita*. Judge Nicolai was a named party-respondent, together with the Republican and Democratic party leaders (Exhibit KK-1).<sup>6</sup> Representing the petitioners was the Ninth Judicial Committee's *pro bono* counsel, my mother, Doris L. Sassower, Esq., who, in 1993, co-founded CJA with me, and whose March 25, 2003 letter to the editor in The Westchester Crusader (Exhibit JJ) publicly opposed Administrative Judge Nicolai's 2004 re-election to the

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<sup>5</sup> A copy of the deal is part of Exhibit LL herein.

<sup>6</sup> The record in *Castracan v. Colavita* and its companion case, *Sady v. Murphy*, are posted on CJA's website, [www.judgewatch.org](http://www.judgewatch.org), accessible via the sidebar panel: Judicial Selection-State-NY. A copy of the *Castracan* webpage – reflecting Judge Nicolai's participation in the case as a party-respondent – is annexed hereto as Exhibit KK-1.

Supreme Court.<sup>7</sup>

17. The Times is very familiar with this important *Castracan v. Colavita* case and its 1991 companion election law case, *Sady v. Murphy* -- both thrown by fraudulent judicial decisions -- and with the vicious judicial retaliation to which Doris Sassower has been subjected, including the lawless "interim" suspension of her law license while she was representing the *Castracan* petitioners,<sup>8</sup> perpetuated to the present date by a succession of fraudulent judicial decisions, state and federal.<sup>9</sup> The Times received copies of a substantial portion of the record of these cases, as well as a mountain of correspondence based thereon (Exhibit KK-2).<sup>10</sup> This includes a copy of Doris Sassower's October 24, 1991 summarizing letter to Governor Cuomo, which annexed a copy of the written three-year judge-trading cross-endorsements deal (Exhibit LL-1). This newsworthy information of legitimate public concern

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<sup>7</sup> In 2004, Administrative Judge Nicolai ran for election to the County Court in Democratic Westchester, when it became obvious that he would not get a Republican cross-endorsement for the Supreme Court and would, therefore, risk defeat if he sought re-election to the Supreme Court in the predominantly Republican Ninth Judicial District.

<sup>8</sup> Mr. Vigliano thereupon took over the *Castracan* case as *pro bono* counsel and, simultaneously, brought the *Sady v. Murphy* companion case.

<sup>9</sup> The record from the U.S. District Court, to the Second Circuit Court of Appeals, to the U.S. Supreme Court in Doris Sassower's federal lawsuit challenging the Appellate Division, Second Department's lawless and fraudulent so-called "interim" suspension of her law license., in which the New York Court of Appeals was complicitous -- is posted on CJA's website, accessible *via* the sidebar panel "Test Cases: Federal (*Mangano*)". See, also, ¶¶27-32 of my May 1, 2002 motion to disqualify the New York Court of Appeals in my public interest lawsuit against the New York State Commission on Judicial Conduct, accessible *via* the sidebar panel "Test Cases: State (*Commission*)".

<sup>10</sup> Evidencing this is CJA's history of correspondence with The Times, posted as a "paper trail" on CJA's website, [www.judgewatch.org](http://www.judgewatch.org), *via* the sidebar panel, "Press Suppression -- The New York Times". This history begins in 1990 with the *Castracan* case -- and CJA's posted "paper trail" has so-reflected this throughout the pendency of this lawsuit. As illustrative, the posted inventory of correspondence from 1990 and 1991 is annexed hereto as Exhibit KK-2.



was wholly suppressed by The Times, necessitating CJA's \$16,770 paid ad, "*Where Do You Go When Judges Break the Law?*", published on The Times' October 26, 1994 op-ed page (Exhibit MM). Likewise, it suppressed report of all the systemic governmental corruption that CJA went on to painstakingly document in the dozen years since. This includes the corruption of the New York State Commission on Judicial Conduct – which CJA sued in lawsuits rooted in the records of the *Castracan* and *Sady* cases and the records of Doris Sassower's state and federal challenges to the lawless suspension of her law license and other judicial retaliation against her. The Commission survived these lawsuits because it was the beneficiary of a succession of fraudulent state judicial decisions reaching to the New York Court of Appeals on which Judge Wesley sat,<sup>11</sup> covered up by The Times, most dramatically by its deliberately defamatory and knowingly false and misleading column "*When the Judge Sledgehammered The Gadfly*" (Exhibit A) that is the subject of plaintiffs' defamation causes of action.

18. Administrative Judge Nicolai, who is quite familiar with Doris Sassower's October 24, 1991 letter (Exhibit LL), with CJA's October 26, 1994 ad, "*Where Do You Go When Judges Break the Law?*" (Exhibit MM), and with CJA's lawsuits against the Commission on Judicial Conduct,<sup>12</sup> would have readily recognized that a victory for plaintiffs

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<sup>11</sup> The Commission's January 7, 1992 dismissal of Doris Sassower's October 24, 1991 letter, filed with it as a judicial misconduct complaint (Exhibit LL-2), was challenged by Doris Sassower's 1995 lawsuit against the Commission. The record of that suit was physically incorporated into my 1999 public interest lawsuit against the Commission, which reached the New York Court of Appeals on May 1, 2002, accompanied by my motion to disqualify that Court's judges, to which the October 24, 1991 letter was Exhibit F. The May 1, 2002 disqualification motion – indeed the full record of my lawsuit against the Commission – is posted on CJA's website, accessible *via* the sidebar panel "Test Cases – State (*Commission*)".

<sup>12</sup> On June 5, 2001, Administrative Judge Nicolai heard from **me**, directly, about the Commission's corruption and my then on-going lawsuit challenging it – when I participated, from the audience, at a public forum he moderated at the town hall in Fishkill, advertised as "an opportunity to

in this lawsuit, whether on the defamation or journalistic fraud causes of action, would not only expose The Times' cover-up of the three-year deal and the illegally-conducted judicial nominating conventions of which he was the beneficiary 16 years ago, but also the corruption of the judicial process in the Ninth Judicial District over which he has presided since 1998 and involving him – and as to which there is no redress because of the systemic governmental corruption, covered up by The Times.

19. As illustrative of Administrative Judge Nicolai's involvement in the corruption in Westchester Supreme Court in its on-going retaliatory vendetta against Doris Sassower, highlighted by her March 25, 2003 letter to the editor in The Westchester Crusader (Exhibit JJ), attached is a copy of CJA's March 4, 2003 judicial misconduct complaint to the Commission against him for his "politically-motivated and self-interested misuse of judicial power", specifically arising from his involvement in a case before Justice LaCava – to whom he is believed to have steered it – wherein Justice LaCava over and again engaged in the same kind of fraudulent judicial decision-making as this Court's July 5, 2006 decision and order, utterly disregarding the most fundamental adjudicative standards and the facts and law in the record before him (Exhibit NN-1). The Commission protected Administrative Judge Nicolai and Justice LaCava, summarily dismissing this facially-meritorious, indeed documented, judicial misconduct complaint against them (Exhibit NN-2) – in violation of its mandatory investigative duty under Judiciary Law §44.1 and the standards for judicial removal, recited in the complaint itself.

20. That over the past several months a court referee and court attorney for a

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address public concerns about our justice system and to open lines of communication between the

Westchester County Supreme Court justice have filed judicial misconduct complaints with the Commission against Administrative Judge Nicolai for improper *ex parte* interference with cases (Exhibit OO: “*Westchester’s Matrimonial Part Revamped in Wake of Infighting*”, New York Law Journal, June 26, 2006)– apparently resulting in a Commission investigation of him – reinforces my belief as to Administrative Judge Nicolai’s wrongful interference with this case.

21. In addition to this Court’s dependence on Administrative Judge Nicolai for favorable assignments and other preferential treatment, giving it a direct interest in the case by reason thereof, the Court has further direct financial and career interests. Its aspirations for higher judicial office or even for re-election upon expiration of its term can only be achieved by the favor of political patrons and a legal/governmental establishment whose corruption, covered up by The Times, is embodied by this action. Indeed, under The Times-perpetuated *status quo*, the Court’s fraudulent July 5, 2006 decision and order is not only no bar to its continued public service and advance up the judicial ladder, but is a credential of its usefulness to the political power structure that controls judicial selection.

22. Needless to say, if the July 5, 2006 decision and order is representative of the manner in which the Court adjudicates other cases before it, it is reasonable to assume that the Court has been the subject of prior facially-meritorious judicial misconduct complaints, filed with the Commission – and the beneficiary of the Commission’s unlawful dismissals of those complaints, without investigation. Plaintiffs’ victory herein, either on the defamation or journalistic fraud causes of action, would expose The Times’ long-standing cover-up of the  

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public and the judiciary”.

Commission's corruption. The result would be a hue and cry by the heretofore uninformed public, leading to sweeping reform of the Commission to ensure its effectiveness. That is the last thing a corrupt judge would ever want – and the July 5, 2006 decision and order establishes the Court's interest on that score.

23. In any event, the July 5, 2006 decision and order, in and of itself, gives the Court an immediate and direct interest in the case, as it exemplifies the judicial corruption that The Times has been purposefully suppressing from coverage since *Castracan*, in violation of its First Amendment responsibilities, namely, fraudulent judicial decisions obliterating any semblance of the rule of law and judicial "process" in cases of profound public import.

24. Finally, and further bearing upon both the appearance and actuality of this Court's disqualifying bias, is the Court's wanton disregard of NYCRR §202.8(c) on June 14, 2006, at what was supposed to be the oral argument of my cross-motion. Notwithstanding I alone had requested oral argument, consulting with the Court's law clerk, Bruce Pearl, as to an appropriate date before setting it forth on the first page of plaintiffs' June 1, 2006 cross-motion, the Court, without any prior notice to me, turned first to Mr. Freeman to allow him to argue his dismissal motion. This, despite the fact that Mr. Freeman's notice of motion had not requested oral argument – and he did not thereafter make such request, as he could have on the first page of his answering papers. The Court's response to my immediate objection was to allow Mr. Freeman to proceed, stating that it wanted to hear him nonetheless. Mr. Freeman then used the opportunity to repeat the same fraudulent representations as he had made in his dismissal motion, already resoundingly exposed by plaintiffs' cross-motion – a fact I emphasized to the Court in response to his sanctionable presentation.

**THE AUGUST 1, 2006 JUDGMENT THAT MR. FREEMAN OBTAINED FROM THE COUNTY CLERK *EX PARTE* & WITHOUT NOTICE, MATERIALLY DIVERGES FROM THE JULY 5, 2006 DECISION & ORDER, PREJUDICING PLAINTIFFS' RIGHTS, & MUST BE VACATED FOR "FRAUD, MISREPRESENTATION, OR OTHER MISCONDUCT OF AN ADVERSE PARTY"**

25. In preparation for the filing of this disqualification/reargument/renewal/vacatur motion and plaintiffs' notice of appeal, I went to the County Clerk's Office on Friday, August 4, 2006 to review the County Clerk's computerized docket and the casefile. In so doing, I discovered that the computerized docket reflected the filing of a "declaratory judgment" on August 1, 2006. Because such "declaratory judgment" was being scanned, I was unable to find such document in the casefile or view it on the computerized docket. Additionally, neither the computerized docket nor the casefile contained Mr. Freeman's filing of his notice of entry for the July 5, 2006 decision and order, which he had dated July 21, 2006 and mailed to me and Mr. Vigliano.

26. On Monday, August 7, 2006, I telephoned Mr. Pearl, who stated that he knew nothing about any "declaratory judgment" and that the last document issued by the Court was its July 5, 2006 decision and order. I thereupon wrote and hand-delivered a letter to Westchester County Court Clerk Timothy C. Idoni, requesting that he clarify the record in this and other respects – faxing copies to Mr. Pearl and Mr. Freeman (Exhibit PP-1).

27. By letter dated August 8, 2006 (Exhibit PP-2) Deputy County Clerk John J. Allen responded, apprising me that the "declaratory judgment of August 1, 2006 is now available via the computerized casebook system" and that "Judge Loehr's clerk was unaware of the judgment because it was filed by a party to the case and signed by the County Clerk".

28. Upon receipt of the letter on August 10, 2006, I went to the County Clerk's Office and downloaded the "declaratory judgment" from the computerized docket (Exhibit EE) – no hard copy being within the County Clerk's file of the case. Such document bears the title "judgment" and purports to be made "upon motion of George Freeman, attorney for The Times".

29. No "motion" was ever served upon plaintiffs by Mr. Freeman – and no "motion" is reflected by the computerized casefile. To date, plaintiffs have neither received any "motion" nor the "judgment" from Mr. Freeman.

30. The three decretal paragraphs of the judgment are as follows:

"ADJUDGED AND DECREED, that The Times' motion to dismiss the complaint is granted; and it is further

ADJUDGED AND DECREED, that plaintiffs' verified complaint and all of the claims made therein, be and hereby are dismissed with prejudice in their entirety; and it is further

ADJUDGED AND DECREED, that plaintiffs' cross-motion, and all of the claims made therein, is denied." (underlining added)

The second of these decretal is materially false. Nowhere does the decision state that the Court's dismissal of the claims of the verified complaint is "with prejudice in their entirety".

31. Then and thereafter, I spent considerable time discussing this "declaratory judgment", the state of the casefile, and the manner in which its content is being scanned and recorded on the computerized docket with Mr. Allen, with Staff Assistant Larena Lewis, and with Program Coordinator John Mongero. I believe it fair to say that they all agreed – upon examining the July 5, 2006 decision and order – that Mr. Freeman's *ex parte* August 1, 2006 judgment should not have been signed with the additional language "with prejudice in their entirety".

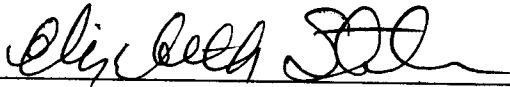
32. I further confirmed that Mr. Freeman has not filed his July 21, 2006 notice of entry for the July 5, 2006 decision and order.

33. To date, Mr. Freeman has also not served upon plaintiffs the August 1, 2006 judgment.



ELENA RUTH SASSOWER

Sworn to before me this  
21<sup>st</sup> day of August 2006



Notary Public

ELIZABETH STERKEN  
Notary Public, State of New York  
No. 4983687  
Residing in Orange County  
Commission Expires July 8, 2007

## TABLE OF EXHIBITS

- Exhibit CC: Judge Gerald E. Loehr's July 5, 2006 decision and order, granting defendants' motion to dismiss the complaint and denying plaintiffs' cross-motion
- Exhibit DD: Administrative Judge Francis A. Nicolai's May 8, 2006 notice assigning this action to "Acting Supreme Court Justice" Gerald E. Loehr
- Exhibit EE: August 1, 2006 judgment signed by Westchester County Court Clerk Timothy C. Idoni
- Exhibit FF: Request for Judicial Intervention (RJI), filed with the Westchester County Clerk's Office on April 25, 2006, by George Freeman, Esq. on behalf of defendants The New York Times Company, et al,
- Exhibit GG-1: Supreme Court Justice Mary H. Smith's August 4, 2004 recusal order in *George Sassower v. Feltman, Karesh, Major & Farbman, et al.* (Index #20421-92)
- GG-2: Supreme Court Justice John R. LaCava's April 16, 2004 order of recusal in *George Sassower v. Feltman, Karesh, Major & Farbman, et al.* (Index #20421-92)
- Exhibit HH: "*Veteran Democrats bid to unseat Republican judges*", The Journal News, October 27, 2004
- Exhibit II: "*Politicos pay tribute to a poster boy of cronyism: Tax cheat Arred gets a big turnout at party*", The Journal News, column by Phil Reisman, August 1, 2006
- Exhibit JJ: Doris L. Sassower's published Letter to the Editor, The Westchester Crusader, April 8, 2004
- Exhibit KK-1: CJA's webpage of *Castracan v. Colavita*.
- KK-2: CJA's webpage "Paper Trail of Suppression, Protectionism, & Blackballing" by The New York Times from 1990 and 1991



- Exhibit LL-1: Doris L. Sassower's October 24, 1991 letter to Governor Cuomo, with enclosures, filed as a complaint with the New York State Commission on Judicial Conduct:
- (a) 1989 three-year judge-trading cross-endorsements deal
  - (b) Doris L. Sassower's Letter to the Editor, "*Cross-Endorsement: Questions of Protection*", New York Times, June 9, 1991
  - (c) Doris L. Sassower's column "*Judicial-Selection Panels: An Exercise in Futility?*", New York Law Journal, September 22, 1971
  - (d) Doris L. Sassower's 1989 Martindale-Hubbell Law Directory listing
- LL-2: Commission's January 7, 1992 letter dismissing the October 24, 1991 complaint
- Exhibit MM: "*Where Do You Go When Judges Break the Law?*", CJA's \$16,770 public interest ad on The New York Times' Op-Ed page of October 26, 1994
- Exhibit NN-1: CJA's March 4, 2003 facially-meritorious and documented judicial misconduct complaint against Justice LaCava and Administrative Judge Nicolai, filed with the New York State Commission on Judicial Conduct
- NN-2: Commission's June 19, 2003 letter dismissing the March 4, 2003 complaint
- Exhibit OO: "*Westchester's Matrimonial Part Revamped in Wake of Infighting*", New York Law Journal, June 26, 2006, front page
- Exhibit PP-1: Plaintiff Sassower's August 7, 2006 letter to Westchester County Clerk Timothy C. Idoni
- PP-2: August 8, 2006 letter of Westchester County Deputy Clerk John J. Allen