

**CENTER for JUDICIAL ACCOUNTABILITY, INC.**

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*Elena Ruth Sassower, Director*

BY FAX: 212-556-4634 (2 pages)

March 2, 2006

The New York Times Company Legal Department  
229 West 43<sup>rd</sup> Street  
New York, New York 10036

ATT: Edward Bohan, Legal Assistant

RE: Service of Summons with Notice:  
Sassower, et al. v. The New York Times Company, et al.

Dear Mr. Bohan,

This follows up our face-to-face conversation together on Valentine's Day, February 14<sup>th</sup> when -- upon my phoning The New York Times Company's Chief Legal Officer and Senior Vice President Solomon Watson, IV from one of the lobby phones -- you came down to accept service of the summons with notice in the above-entitled action on behalf of The New York Times Company and The New York Times.

As stated, I had just come from the Clerk's Office of New York County, whose records showed that The New York Times Company had not designated its Legal Department to accept service for the corporation, pursuant to CPLR 318.

Consequently, and because Mr. Watson would not himself come down, nor Rhonda L. Brauer, the Company's Secretary and Corporate Compliance Officer, nor some other officer of the Corporation, nor a director, such as Mr. Sulzberger, as I had requested pursuant to CPLR 311(a)(1), I went to the effort and \$115 expense of arranging for service of the summons with notice on the corporation through the Office of the Secretary of State, pursuant to Section 306 of the Business Corporation Law -- so as to ensure that there could be no basis for challenging service. Such was effected on February 21<sup>st</sup>, as you are, by now, presumably aware.

As for substituted service upon the named individual defendants pursuant to CPLR 308(2), you did not deny or dispute that 229 West 43<sup>rd</sup> Street, New York, New York 10036 is the "actual place of business" of defendants Byron Calame and Marek Fuchs, but only that they were "not employees".

Please be advised that after my process server gave you copies of the summons with notice for defendants Calame and Fuchs, he mailed further copies to them at 229 West 43<sup>rd</sup> Street, New

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York, New York 10036, by first-class mail, in sealed envelopes marked "PERSONAL & CONFIDENTIAL", with the sender identified as "Elena Sassower, 16 Lake Street, White Plains, New York 10603". To date, more than two weeks later, these envelopes have not come back to me as undeliverable. Consequently, I have no reason to believe that the envelopes were not delivered to Messrs. Calame and Fuchs *via* The New York Times' mailroom. Indeed, none of my prior hand-deliveries for them *via* The New York Times' mailroom -- all in envelopes bearing return addresses -- have ever been returned to me as undeliverable. Nor do I have reason to believe that upon your receipt of the copies of the summons with notice for them, that you did not, as "a person of suitable age and discretion", transmit the copies to Messrs. Calame and Fuchs, each on The New York Times' payroll.

Please be advised that after you departed from the lobby, I used the lobby phone to call Mr. Calame -- leaving a voice mail message requesting that if 229 West 43<sup>rd</sup> Street, New York, New York 10036 was not his "actual place of business", that he furnish me with such address -- or such other address for purposes of effecting service. This followed my February 3<sup>rd</sup> e-mailed and hand-delivered memo to him, to Mr. Fuchs, and as well as to all the other individual named defendants, except Mr. Okrent<sup>1</sup>, requesting their cooperation in effecting service -- including by confirmation that 229 West 43<sup>rd</sup> Street, New York, New York 10036 is their "actual place of business". No response was forthcoming<sup>2</sup>.

As Mr. Calame and Mr. Fuchs each have e-mail addresses that reflect their New York Times business affiliation, I am, additionally, e-mailing the summons with notice to them with this letter.

Yours for a quality judiciary  
and responsible journalism,



ELENA RUTH SASSOWER, Plaintiff *Pro Se*

cc: Byron Calame, Public Editor

By E-Mail: [public@nytimes.com](mailto:public@nytimes.com)

Marek Fuchs

By E-Mail: [fuchs@nytimes.com](mailto:fuchs@nytimes.com)

Eli Vigliano, Esq.

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<sup>1</sup> Substituted service was effected on Mr. Okrent on February 14<sup>th</sup> at his home address, easily obtained, with his home phone number, from directory assistance.

<sup>2</sup> You did, however, expressly state, on February 14<sup>th</sup>, that you were "authorized" to accept service for all individual named defendants -- except defendants Okrent, Calame, and Fuchs who were "not employees".