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January 13, 2006

David E. McCraw, Senior Counsel
The New York Times Company
229 West 43rd Street
New York, New York 10036

RE: Arranging Service of Process Pursuant to the CPLR
Sassower, et al. v. The New York Times Company, et al.

Dear Mr. McCraw:

Thank you for your yesterday's e-mail, responding to my own with its attached January 12th letter to Mr. Watson -- to which you and Mr. Freeman were indicated recipients.

Notwithstanding my prior request to Mr. Freeman that he supplement his posting of letters to me by faxing and/or e-mailing them, he has chosen not to do so, thereby needlessly delaying my receipt of his communications. I have just today received his latest letter, to which your e-mail refers. Dated January 10th, it was sent in an envelope postmarked January 11th. I will respond to it separately. Suffice to say -- and as New York Times Company shareholders will readily discern -- Mr. Freeman's January 10th letter replicates the dishonesty and bad-faith for which I sought Mr. Watson's supervisory oversight. Comparison with my December 14th letter to Mr. Freeman, especially my underlined informational requests, demonstrates this abundantly.

As for your response to the content of my January 12th letter pertaining to service of process, there is no basis for you to "repeat what [you] said when we spoke in the fall", *to wit*, that "[I] should consult with [my] lawyer and serve the papers in accordance with the CPLR". Our conversation at that time was with regard to my November 1st letter -- and I took your advice. The result was my November 4th letter, written in consultation with "[my] lawyer", Eli Vigliano, Esq., with whom I reviewed the pertinent CPLR provisions. Indeed, my November 4th letter is explicitly based on CPLR 311(a)(1) and 308(2).

As you well know, the question whether The New York Times Company has "authorized" its Legal Department to accept service of process for the corporation pursuant to CPLR 311(a)(1) is not answerable from the CPLR or from some lawyer with whom I consult. Rather, The New York Times

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Company's Legal Department has the answer – and the Legal Department of *any reputable corporation* would answer such appropriate question immediately. In fact, Mr. Bohan orally answered the question in the affirmative, both with respect to effecting personal service on The New York Times Company and The New York Times. I believe that phone conversation was on November 2nd. My letter to you, two days later, was for purposes of confirmation so as not to be prejudiced by any error on his part.

In any event, CPLR 311(a)(1) also specifies that personal service on the corporation is effected by serving “an officer, director, managing or general agent, or cashier or assistant cashier”. Therefore, please advise as to the names of such individuals as occupy these positions so that service may be effected through one of them. Certainly, if The New York Times Company prefers that my process server not arrive unannounced, but rather have a scheduled appointment, I would be pleased to accommodate. Indeed, since Mr. Watson is himself an officer – being Senior Vice President and, according to Mr. Freeman's January 10th letter, “Secretary of the Company” -- I ask that you confer with him as to a date and time – preferably next week – when he would be available to receive personal service upon the corporation of a summons with notice.

As for personal service upon the individual defendants – whose business telephone numbers I have, excepting Mr. Okrent -- if The New York Times Company prefers me to contact them directly for purposes of serving process on them, either pursuant to CPLR 308(1) or (2) – rather than the expedient my November 4th letter proposed pursuant to CPLR 308(2) -- I will oblige.

Finally, with regard to personal service on Mr. Okrent, if The New York Times Company is unwilling to provide me with his address or telephone number – information plainly not available to me from the CPLR or a lawyer – it should be professional enough to set that forth and the reasons therefor.

Please advise by 5:00 p.m., this Tuesday, January 17th.

Thank you.

Yours for a quality judiciary
and responsible journalism,



ELENA RUTH SASSOWER, Coordinator
Center for Judicial Accountability, Inc. (CJA)

cc: Solomon B. Watson, IV, Senior Vice President, Secretary, and General Counsel
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