

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

-----X
DORIS L. SASSOWER,

Plaintiff,

Index #
29094/92

-against-

Notice of
Cross-Motion

GANNETT COMPANY, INC., GANNETT SATELLITE
INFORMATION NETWORK, INC., NANCY Q. KEEFE,
DEBBIE PINES, ELAINE A. ELLIS, CAROLE TANZER
MILLER, CAMERON McWHIRTER, TOM ANDERSON,
MICHAEL MEEK, LAURIE NIKOLSKI, MILTON HOFFMAN,
DOES 1-15, being Gannett Editors, EVELYN BRESLAW
and ABBIE PETRILLO,

Defendants.

-----X
S I R :

PLEASE TAKE NOTICE that upon the annexed Affidavit of
DORIS L. SASSOWER, verified July 6, 1993, the exhibits annexed
thereto, and upon all pleadings and proceedings heretofore had
herein, the undersigned will cross-move this Court at the
Courthouse at 60 Centre Street, Motion Support Office Courtroom
(Room 130), on July 9, 1993, at 9:30 in the forenoon or as soon
thereafter as counsel can be heard, for an Order:

(1) Denying the Gannett defendants' motion to
dismiss;

(2) Granting plaintiff's cross-motion to extend time
for 90 days to permit counsel to be retained and her complaint
served; alternatively, if that relief is denied that a
conditional order be granted permitting a complaint to be filed
within 90 days from service of a copy of the order deciding the

motion and cross-motion, with notice of entry;

(3) Granting such other and further relief as may be just and proper.

Dated: White Plains, New York
July 6, 1993

Yours, etc.

DORIS L. SASSOWER, Plaintiff
283 Soundview Avenue
White Plains, New York 10606
(914) 997-1677

TO: Robert Callagy, Esq.
SATTERLEE, STEPHENS, BURKE & BURKE
230 Park Avenue
New York, New York 10169-0079
(212) 818-9200

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

-----x
DORIS L. SASSOWER,

Plaintiff,

-against-

Index #
29094/92

Affidavit in
Opposition and
in Support of
Cross-Motion

GANNETT COMPANY, INC., GANNETT SATELLITE
INFORMATION NETWORK, INC., NANCY Q. KEEFE,
DEBBIE PINES, ELAINE A. ELLIS, CAROLE TANZER
MILLER, CAMERON McWHIRTER, TOM ANDERSON,
MICHAEL MEEK, LAURIE NIKOLSKI, MILTON HOFFMAN,
DOES 1-15, being Gannett Editors, EVELYN BRESLAW
and ABBIE PETRILLO,

Defendants.

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

DORIS L. SASSOWER, being duly sworn, deposes and says:

1. I am the plaintiff in the above-entitled action and personally familiar with all the facts and circumstances relating thereto.

2. This Affidavit is submitted (a) in opposition to the motion made by Robert M. Callagy, Esq., of the law firm of Satterlee, Stephens, Burke & Burke on behalf of the Gannett newspaper defendants to dismiss this action by reason of the fact that I have not yet served a complaint herein; and (b) in support of my cross-motion to extend my time to do so. Such cross-motion is based on the fact that I have a good and meritorious cause of action, as shown by the Rider attached to the Summons served upon

the Defendants, annexed as Exhibit "A" to Mr. Callagy's Affidavit, as well as a reasonable excuse for not having heretofore served a complaint.

3. Like his clients, Gannett newspapers and the defendant-reporters/editors it employs, Mr. Callagy, does not give a full, fair or accurate report as to the facts. He makes an affirmative representation as to the law but does so in conclusory fashion, without factual particulars or proof thereof, that my libel claim "was long since barred by the one-year statute of limitations". Such unsubstantiated, non-probative assertion by Mr. Callagy should be rejected out of hand.

4. Mr. Callagy also does not disclose that following my receipt of his Notice of Appearance and Demand for Complaint, dated March 9, 1993, I telephoned him in an attempt to discuss the possibility of a good-faith amicable resolution of this matter without court intervention.

5. Mr. Callagy adamantly refused to consider any amicable resolution and would not agree even to meet with me to review the documentary proof I offered him establishing the deliberate and malicious defamation of me which is the subject of the instant libel action. Since Mr. Callagy thus left me no alternative but to litigate this matter, I advised him that I planned to retain counsel to prosecute this action on my behalf, requesting a 30-day extension of time to do so.

6. Mr. Callagy would give me no more than a two-week

stipulation for such purpose. However, he indicated that if, at the end of that time I had not retained counsel, he would be amenable to a further extension.

7. Thereafter, I met with proposed counsel, Jonathan Lubell, Esq., of the law firm Morrison, Cohen, Singer & Weinstein on April 20, 1993. As the Court is doubtless aware, Mr. Lubell is an eminent practitioner in the field of libel law, whose articles on that subject have appeared in the New York Law Journal. It was only after my in-person consultation at Mr. Lubell's office that he realized that he would be precluded from accepting my retention due to the fact that his firm represents an individual indirectly involved in this action.

8. From Mr. Lubell's office on the aforesaid date, I immediately telephoned Mr. Callagy and, upon being told that he was "unavailable", left a detailed message as to the problem I had unexpectedly encountered, requesting a stipulation extending my time for 30 days.

9. I would respectfully point out to the Court that although Mr. Callagy annexes (as Exhibit "C" to his Affidavit) a copy of my aforesaid proposed stipulation, he conspicuously omits my April 21, 1993 cover-letter transmitting same. That transmittal letter, annexed hereto as my Exhibit "1", reflects my need for such extension based on Mr. Lubell's last-minute discovered conflict.

10. Tellingly, Mr. Callagy omits all reference to the exchange of correspondence between us. Copies are annexed as

Exhibits "1", "2", "3", and "4". I specifically draw the Court's attention to Exhibit "3", my faxed letter to Mr. Callagy dated April 22, 1993, detailing the factual chronology as to our communications to that date. Mr. Callagy's faxed response thereto (Ex. "4") shows that the factual statements set forth by me (Ex. "3")--hereinabove recounted--were undisputed by him.

11. As can be seen from the correspondence omitted by Mr. Callagy, he was engaging in "sharp practice" when he denied me an extension he had previously orally indicated would be forthcoming if needed by me. His obliging me to make a motion for what should have been granted as a matter of course and professional courtesy falls within the meaning of "oppressive tactics" proscribed by the Code of Professional Responsibility (§DR7-101, EC 7-38).

12. Following my attempt to retain Mr. Lubell's law firm, I made diligent efforts to find unconflicted counsel who would be in a position to undertake the intended libel action against Gannett. Such efforts have been unsuccessful due to the fact that law firms equipped to handle a matter of the magnitude of the instant case prefer to represent the media defendants, who have unlimited resources to defend themselves against their journalistic malpractice, rather than libel plaintiffs, who normally do not have such extravagant means available to them.

13. Consequently, upon the recommendation of a partner of one of the law firms I consulted, I turned to the Center for Individual Rights, whose letter to me is annexed hereto as

Exhibit "5". Said letter confirms the inherent inequality of a legal battle between media defendants and libel plaintiffs:

"...Media conglomerates are hit with libel actions on a daily basis. Their strategy, not to put too fine a point on it, is to drain the life-blood out of their opponents by a never-ending stream of document requests, depositions, motions to dismiss, and the like. This 'take no prisoners' strategy inevitably raises the costs for plaintiffs...

We simply do not have the amount of money it would take to battle Gannett on a level playing field and we believe, again, that it would be irresponsible for us to enter a case without such resources..."

14. I have, nonetheless, continued my search for competent counsel and, as recently as today, was told by one of the major New York law firms that, while they are not conflicted by representation of Gannett newspapers, they do represent other media defendants and under no circumstances would they risk the loss of such clients by taking on a plaintiff's libel case.

15. Because the importance of fighting to achieve integrity and responsibility by the media is a matter of public interest--far transcending my private grievance against Gannett--I am prepared to continue my search for counsel ready, willing and able to undertake to represent me. I do, however, require an ample enlargement of time for such purpose. Apart from the difficulties hereinabove already mentioned, I am presently handicapped by severe time-limitations created by exigent circumstances resulting from the injurious consequences suffered by me as a result of Gannett newspapers' malicious and vicious defamation of me--which will be more particularly detailed in my

intended complaint against it.

16. There is no real prejudice to Gannett by reason of any extension to be granted by this Court. If Mr. Callagy is correct in his peremptory, self-serving opinion that my claim is "frivolous", he should have no trouble securing a dismissal of my complaint after it is served by such counsel as I may ultimately retain.

WHEREFORE, it is respectfully prayed that the Gannett defendants' motion to dismiss be denied and that plaintiff's cross-motion to extend time for 90 days be granted to permit counsel to be retained and her complaint served; alternatively, if such affirmative relief is denied, that a conditional order be granted permitting a complaint to be filed within 90 days from service of a copy of the order deciding the motion and cross-motion, with notice of entry; together with such other and further relief as may be just and proper.


DORIS L. SASSOWER

Sworn to before me this
6th day of July 1993.



Notary Public

State of New York

No 4967383

Qualified in Westchester Co.

Comm. Expires June 4, 1994⁶

AFFIDAVIT OF PERSONAL SERVICE

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

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

Deponent is not a party to the action, is over 18 years of age and resides at White Plains, New York.

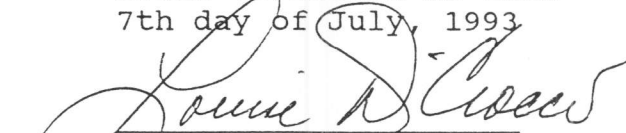
On July 6, 1993 deponent served the within: Notice of Cross-Motion and Affidavit in Opposition and in Support

upon: Satterlee, Stephens, Burke & Burke
230 Park Avenue
New York, New York 10169-0079
ATT: Robert Callagy, Esq.

by personal delivery of a true copy thereof to their offices on the 11th floor: Suite 1130.


ELENA RUTH SASSOWER

Sworn to before me this
7th day of July, 1993


Notary Public

LOUISE DI CROCCO
Notary Public, State of New York
No. 4718571
Qualified in Westchester County
~~Commission Expires March 30, 1992~~

Dec 10, 1994

Index No. 29094 Year 19 92
Supreme Court of the State of New York
County of New York

DORIS L. SASSOWER,
Plaintiff

- v -
GANNETT COMPANY, INC.,
GANNETT SATELLITE INFORMATION
NETWORK, INC., et. al.,
Defendants

NOTICE OF CROSS-MOTION +
AFFIDAVIT IN OPPOSITION + IN SUPPORT

DORIS L. SASSOWER, ~~PLAINTIFF~~

~~Pro Se~~ Pro Se

Office and Post Office Address, Telephone

~~283 Soundview Avenue~~
~~White Plains, N.Y. 10606~~
~~(914) 997-1877~~

New Address:
283 Soundview Avenue
White Plains, N.Y. 10606
(914) 997-1877

To

Attorney(s) for

Service of a copy of the within is hereby admitted.

Dated,

Attorney(s) for

Sir:—Please take notice

NOTICE OF ENTRY

that the within is a (certified) true copy of a
duly entered in the office of the clerk of the within named court on

19

NOTICE OF SETTLEMENT

that an order of which the within is a true copy will be presented for
settlement to the HON. one of the judges

of the within named court, at
on 19 at M.

Dated,

Yours, etc.

New Address:

DORIS L. SASSOWER, ~~PLAINTIFF~~

283 Soundview Avenue

~~Pro Se~~ Pro Se

To