

**Elena Ruth Sassower**

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March 17, 2006

George Freeman, Assistant General Counsel  
The New York Times Company  
229 West 43<sup>rd</sup> Street  
New York, New York 10036

RE: Your March 14, 2006 Letter  
Sassower, et al. v. The New York Times Company, et al.

Dear Mr. Freeman:

Although my March 9<sup>th</sup> letter to you was faxed and e-mailed to you, you did not fax or e-mail your responding March 14<sup>th</sup> letter to me. Instead, you sent it by regular mail. As a result, I did not receive it until March 16<sup>th</sup>, by which time I had already faxed and e-mailed you a follow-up March 15<sup>th</sup> letter, noting that I had received no response.

In the future, kindly respond to my correspondence in the most expeditious fashion – not the least.

As to the content of your March 14<sup>th</sup> letter, the Summons with Notice makes perfectly clear that I am suing The New York Times in more than a single capacity, *to wit*, – “individually and as coordinator of the Center for Judicial Accountability, Inc” -- and that Mr. Vigliano is NOT “[my] attorney” with respect to that first capacity. For such, I am appearing *pro se*<sup>1</sup> – as is my absolute right under CPLR 321(a). Unless you have legal authority that would permit you to disregard that absolute right, you are required to serve me with legal papers, not just Mr. Vigliano.

Please promptly provide me with such legal authority, if you have it. Otherwise, rectify the wilful deficiency of your March 1, 2006 Notice of Appearance and Demand for Complaint by immediately serving me with a copy.

As a seasoned litigator, you well know that your “preference” that Mr. Vigliano represent “all the plaintiffs” has no legal weight and that your purported – and unspecified -- “ethical” concerns about dealing with me “directly” are completely baseless. Indeed, had there been any legitimacy

<sup>1</sup> This was explicitly pointed out by my January 16, 2006 letter to Mr. McCraw – a copy of which was provided to you by my January 24, 2006 letter to Mr. Watson, to which you were an indicated recipient. In pertinent part my January 16, 2006 letter stated,

“Mr. Vigliano’s representation of me is solely in my capacity ‘as Coordinator’. I am otherwise and explicitly ‘Pro Se’”

EX-4

to either, you would have accompanied your March 1, 2006 Notice of Appearance and Demand for Complaint with a contemporaneous letter advising that these constituted legally-cognizable reasons for withholding from me the Notice of Appearance and Demand for Complaint. You did not.

Nor is there any basis for your "sense" that "direct communications" with Mr. Vigliano, as opposed to me, "would expedite matters as we go forward". The well-documented record of my "direct communications" with The Times, spanning nearly a decade and a half, shows my unremitting, good-faith efforts – always rebuffed -- to resolve all issues expeditiously and with the utmost of professionalism. This includes the recent record of my "direct communications" with you – culminating in my complaints to your superiors for their supervisory oversight, to which – in typical Times fashion – there was no response from them.<sup>2</sup>

As to the balance of your March 14<sup>th</sup> letter, you have acknowledged that you are appearing as Mr. Calame's attorney and that the omission of his name from the second page of your Notice of Appearance and Demand for Complaint was inadvertent. However, your response with respect to Messrs. Fuchs and Okrent is non-responsive. The issue is NOT whether Mr. Fuchs and Mr. Okrent are "employees of The New York Times" or whether The Times is "in the position to accept service for them". As you well know, CPLR 308(2) does not require that they be "employees" and allows for substituted service on any "person of suitable age and discretion".

As for Mr. Fuchs, the only relevant question is the one explicitly set forth by my March 9<sup>th</sup> letter:

"whether, by your not appearing for defendant Marek Fuchs, you are now claiming that 229 West 43<sup>rd</sup> Street, New York, New York 10036 is not his "actual place of business". (underlining in my original letter).

What is your answer? That you evade this straight-forward question only underscores the truth of what my March 9<sup>th</sup> letter recited -- with substantiating record references -- namely, that The New York Times Company Legal Department and Mr. Fuchs have wilfully evaded the answer since November.

As for Mr. Okrent, my March 9<sup>th</sup> letter explicitly identified that "we effected substituted service at his home address". Consequently, when you state that it is "[your] understanding...that Mr. Okrent has not properly been served and, hence, there is no reason for him to appear in this proceeding at this time", are you claiming that Mr. Okrent's residence address is not 645 West End Avenue, New York, New York 10025 and that our substituted service upon him did not comply with the requirements of CPLR 308(2)?

<sup>2</sup> See: (1) my November 30, 2005 letter to you; (2) your December 2, 2005 letter to me; (3) my December 14, 2005 letter to you; (4) my December 22, 2005 letter to you; (5) my December 30, 2005 letter to Mr. Watson; (6) your January 3, 2006 letter to me; (7) my January 6, 2006 letter to Mr. Watson; (8) my January 12, 2006 letter to Mr. Watson; (9) your January 10, 2005 letter to me; (10) my January 13, 2006 letter to Mr. McCraw – to which Mr. Watson & yourself were indicated recipients; (11) my January 24, 2006 letter to Mr. Watson; (12) my January 27, 2006 letter to Mr. Watson; (13) my January 30, 2006 letter to Ms. Brauer; (14) my February 3, 2006 memo to the individual named defendants, excepting Mr. Okrent – to which Mr. Watson and Ms. Brauer were indicated recipients.

George Freeman, Esq.

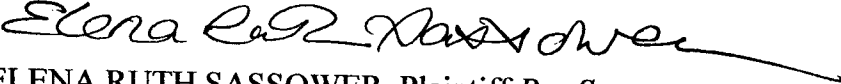
Page Three

March 17, 2006

Please promptly advise by fax (914-428-4994) and e-mail ([elenaruth@aol.com](mailto:elenaruth@aol.com)), with a mailed copy to Mr. Vigliano.

Thank you.

Yours for a quality judiciary  
and responsible journalism,

A handwritten signature in cursive script that reads "Elena Ruth Sassower". The signature is written in black ink and extends across the width of the text block below it.

ELENA RUTH SASSOWER, Plaintiff *Pro Se*

cc: Eli Vigliano, Esq.