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May 23, 2006

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

RE: Cross-motion for sanctions, etc. against you, The New York Times Company Legal Department, & defendants in *Sassower, et al. v. The New York Times Company, et al.* Westchester Co. Index #05-19841

Dear Mr. Freeman:

This responds to your May 8<sup>th</sup> letter – not received by me until May 12<sup>th</sup>. This, because you chose to send it by regular mail, disregarding that my May 1<sup>st</sup> letter to you expressly requested that you promptly respond by fax and e-mail.

I have previously objected to your using the slowest and most cumbersome, rather than the fastest and most convenient, modes of communication<sup>1</sup>. Please explain why you have continued to do so, other than to engage in “sharp practice” when you knew that your dismissal motion bore a May 8<sup>th</sup> return date. Plainly, had your motion been on the May 8<sup>th</sup> calendar of any judge, plaintiffs would have already been in default in answering by the time your letter reached me, four days later. Particularly is this so as your May 12<sup>th</sup> letter did not state that you had taken any steps to notify the court of our consented-to adjournment of the date for my answering papers to June 1<sup>st</sup>.

On May 15<sup>th</sup>, immediately upon learning that on May 8<sup>th</sup> Acting Supreme Court Justice Gerald E. Loehr had been specially assigned to the case by Chief Administrative Judge Francis A. Nicolai, after recusals by three randomly-assigned judges, I spoke with his law clerk, Bruce Pearl, who had no knowledge of the consented-to adjournment. I advised him of same and, in

<sup>1</sup> See my March 17, 2006 letter to you – to which your only response was your mailing to me of a copy of your March 1, 2006 notice of appearance and demand for complaint that you had previously failed to serve me. See, also, my January 13, 2006 letter to Mr. McCraw, to which you were an indicated recipient – annexed as Exhibit T-11 to plaintiffs’ verified complaint.

Ex 2-5

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substantiation, provided him with our pertinent exchange of correspondence: my faxed and e-mailed April 17<sup>th</sup> letter to you – and your faxed April 18<sup>th</sup> response; my faxed and e-mailed May 1<sup>st</sup> letter to you – and your responding mailed May 8<sup>th</sup> letter, not received by me until May 12<sup>th</sup>.

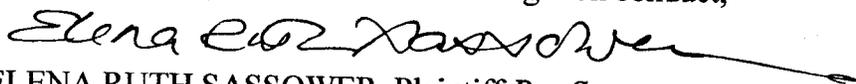
I also requested and received from Mr. Pearl a copy of your RJ. Although your RJ was apparently not purchased and filed until April 25<sup>th</sup> – a full week after you had consented to adjourning your motion for a month – it still identifies “5/8/06” as the return date of your motion.

Please be advised that, as agreed, I will be serving you with answering papers on June 1<sup>st</sup>. In conjunction therewith I will be making the cross-motion for sanctions and disciplinary referral indicated by my May 1<sup>st</sup> letter to you. This, based on your failure to withdraw your dismissal motion, notwithstanding you do not deny that it is “[f]rom beginning to end...fashioned on flagrant falsification and material omission of the complaint’s pleaded allegations and on law either inapplicable by reason thereof or itself falsified by your motion”.

So that there is no question that your fraudulent dismissal motion is interposed with the knowledge and consent of your superiors in the New York Times Company Legal Department, as well as of the defendants – both those for whom you have appeared and for whom you should have appeared, all of whom are, in fact, your co-defendants – please apprise them that my cross-motion will also be directed against them.

To allow you sufficient time to respond to the cross-motion – and for me to reply – I will be making the cross-motion returnable at 9:30 a.m. on Wednesday, June 14, 2006 – “Flag Day”. In the interest of judicial economy – and because Judge Loehr will not be sitting on Thursday, June 8<sup>th</sup>, I have asked Mr. Pearl to make your dismissal motion returnable on June 14<sup>th</sup> as well.<sup>2</sup> Should you have any objection, please advise.

Yours for a quality judiciary, responsible journalism,  
& cognizable standards of litigation conduct,



ELENA RUTH SASSOWER, Plaintiff *Pro Se*

cc: Acting Supreme Court Justice Gerald E. Loehr  
ATT: Bruce Pearl, Law Clerk  
Eli Vigliano, Esq.

<sup>2</sup> I believe this to be consistent with your request to me, by your April 18<sup>th</sup> letter, that I should “advise the judge who has been assigned to this case that there will be an adjournment of the return date to a date of his/her convenience in mid-June”.