

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

-----X
ELENA RUTH SASSOWER, individually, and as
Coordinator of the Center for Judicial Accountability, Inc.,
CENTER FOR JUDICIAL ACCOUNTABILITY, INC.,
and The Public as represented by them,

Index #05-19841

Plaintiffs,

NOTICE OF MOTION

-against-

THE NEW YORK TIMES COMPANY, The New York Times,
ARTHUR SULZBERGER, JR., BILL KELLER,
JILL ABRAMSON, ALLAN M. SIEGAL, GAIL COLLINS,
individually and for THE EDITORIAL BOARD,
DANIEL OKRENT, BYRON CALAME, MAREK FUCHS,
and DOES 1-20,

Defendants.
-----X

PLEASE TAKE NOTICE that upon the annexed affidavit of Plaintiff ELENA RUTH SASSOWER, sworn to on August 21, 2006, the exhibits annexed thereto, Plaintiffs' accompanying memorandum of law, and upon all the papers and proceedings heretofore had, Plaintiffs will make a motion before WESTCHESTER COUNTY COURT JUDGE GERALD E. LOEHR, "ACTING SUPREME COURT JUSTICE", at 111 Dr. Martin Luther King Boulevard, White Plains, New York 10601, Room 103, on September 7, 2006 at 9:30 a.m., or as soon thereafter as the parties or their counsel can be heard, for an order:

(1) disqualifying the Court for demonstrated actual bias and interest pursuant to §100.3E of the Chief Administrator's Rules Governing Judicial Conduct and Judiciary Law §14 and vacating its July 5, 2006 decision and order by reason thereof for fraud and lack of jurisdiction; and, if denied:

(a) for disclosure by the Court, pursuant to §100.3F of the Chief Administrator's Rules Governing Judicial Conduct, including as to its relationships with, and dependencies on, Francis A. Nicolai, Administrative Judge of the Ninth Judicial District, and the basis upon which Administrative Judge Nicolai assigned this case to the Court by his May 8, 2006 notice;

(b) for referral of the May 8, 2006 notice back to Administrative Judge Nicolai so that he may reconsider whether to vacate it for lack of jurisdiction based on his own disqualifying interest pursuant to Judiciary Law §14 or because, based on the record of May 8, 2006, it was improvidently issued in that the first randomly-assigned judge, Supreme Court Justice Mary H. Smith, had not disqualified herself;

(2) for reargument and renewal of the Court's July 5, 2006 decision and order pursuant to CPLR §2221 and, upon the granting of same, vacating it for fraud and lack of jurisdiction;

(3) for vacatur of the Westchester County Clerk's August 1, 2006 judgment pursuant to CPLR §5015(a)(3) for "fraud, misrepresentation, or other misconduct of an adverse party", with imposition of maximum costs and sanctions pursuant to NYCRR §130-1.1 *et seq.* against defense counsel George Freeman and The New York Times Company Legal Department, themselves defendant DOES;

(4) for such other and further relief as may be just and proper, including \$100 motion costs pursuant to CPLR §8202.

PLEASE TAKE FURTHER NOTICE that pursuant to CPLR §2214(b), defendants' answering papers, if any, must be served at least seven days before the return date of this

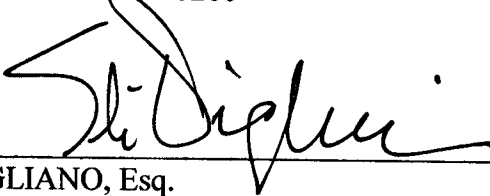
motion.

Dated: White Plains, New York
August 21, 2006

Yours, etc.,



ELENA RUTH SASSOWER, *Pro Se*
Individually, and as Coordinator of the CENTER FOR
JUDICIAL ACCOUNTABILITY, INC., & for The Public
16 Lake Street, Apartment 2C
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& for Plaintiff ELENA RUTH SASSOWER as Coordinator,
& for The Public
4901 Henry Hudson Parkway
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Tel: 718-884-3747

TO: George Freeman, Associate General Counsel
The New York Times Company Legal Department
Attorneys for Defendants-Respondents
229 West 43rd Street
New York, New York 10036
Tel: 212-556-1558

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Defendants.

**NOTICE OF MOTION &
AFFIDAVIT OF PLAINTIFF SASSOWER**

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