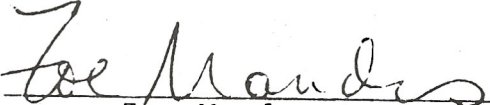


3. In an opinion dated June 20, 1983, Justice Bruce McM. Wright denied plaintiff's motion with respect to the News except to the extent that the Court granted plaintiff discovery of non-party witness Harry Schlegel.

4. A motion for reargument is addressed to the discretion of the Court and is designed to afford a party an opportunity to establish that the Court overlooked or misapprehended the relevant facts, or misapplied any controlling principle of law. Barry v. Good Samaritan Hospital, 86 A.D. 2d 853, 447 N.Y.S.2d 331 (Second Dep't 1982); Foley v. Roche, 68 A.D.2d 558, 418 N.Y.S.2d 588 (First Dep't 1979). "Its purpose is not to serve as a vehicle to permit the unsuccessful party to argue once again the very questions previously decided." Foley v. Roche, supra; Fosdick v. Town of Hempstead, 126 N.Y. 651, 27 N.E. 382 (1981).

5. Plaintiff has not demonstrated, and indeed cannot demonstrate, even a shred of an argument to support his position that the Court, in its thorough and clearly articulated opinion, overlooked or misapprehended the relevant facts, or misapplied any controlling principle of law in ruling on plaintiff's motion.

6. For the reasons set forth above, it is respectfully requested that the Court deny plaintiff's motion for leave to re-argue his prior motion to strike the affirmative defenses of the News.


Zoe Mandes

Sworn to before me this
12th day of July, 1983:


Notary Public

JOEL ALAN WIRCHIN
Notary Public, State of New York
No. 41-4771973
Qualified In Queens County
Certificate Filed in New York County
Commission Expires MARCH 30, 84