

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

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DORIS L. SASSOWER, : Index No. 29094/92  
 : (Sherman, J.)  
 :  
 Plaintiff, :  
 :

-against- :  
 :

GANNETT COMPANY, INC., GANNETT : **AFFIDAVIT IN**  
SATELLITE INFORMATION NETWORK, : **OPPOSITION TO MOTION**  
INC., NANCY Q. KEEFE, DEBBIE : **BY PLAINTIFF FOR**  
PINES, ELAINE A. ELLIS, CAROLE : **RECONSIDERATION AND**  
TANZER MILLER, CAMERON McWHIRTER, : **RECALL**  
TOM ANDERSON, MICHAEL MEEK, LAURIE :  
NIKOLSKI, MILTON HOFFMAN, :  
DOES 1-15, being Gannett Editors, :  
EVELYN BRESLAW and ABBIE :  
PETRILLO, :  
 :  
 Defendants. :  
 :

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

ROBERT M. CALLAGY, being duly sworn, deposes and says:

1. I am a member of the Bar of this Court and a partner in the firm of Satterlee Stephens Burke & Burke, attorneys for the Gannett defendants and their editorial personnel.

2. I make this affidavit in opposition to the motion by plaintiff for reconsideration and recall of this Court's decision dated October 22, 1993 granting the motion of the Gannett defendants and their editorial personnel to dismiss the action and denying the plaintiff's cross motion to obtain an extension of time within which to serve a complaint.

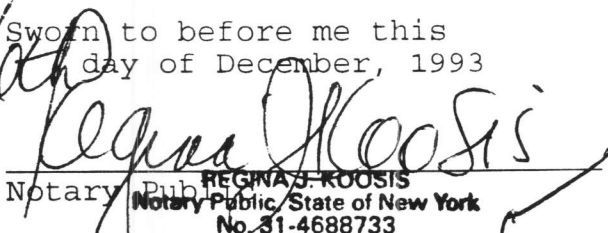
3. This affidavit is also in opposition to that part of plaintiff's motion which seeks reargument of plaintiff's cross motion for an extension of time within which to serve a complaint and the decision granting the motion to dismiss by the Gannett defendants and their editorial personnel.

4. Pursuant to Section 2221 of the Civil Practice Law and Rules, a motion for reargument must be based on a misunderstanding or misapplication of prevailing law or controlling facts or else intervening legal authorities which would produce a different result. Plaintiff's motion is in effect a rehash of the facts and law which have already been passed upon by the Court. Nothing new has been presented which would justify recall of the Court's decision or reargument. A second bite of the apple is not what reargument is all about.

5. Under the circumstances, I respectfully request that the Court deny plaintiff's motion for reconsideration and recall and reargument together with a grant of costs and reasonable attorneys fees to the Gannett defendants.

  
ROBERT M. CALLAGY

Sworn to before me this  
10th day of December, 1993

  
REGINA J. ROOSIS  
Notary Public, State of New York  
No. 31-4688733  
Qualified in New York County  
Commission Expires August 31, 1994

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