

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

-----X  
DORIS L.SASSOWER,

Plaintiff,

Index No. 29094/92  
(Sherman, J.)

Plaintiff's Reply  
Affidavit

- against -

GANNETT COMPANY, INC., GANNETT SATELLITE  
INFORMATION NETWORK, INC., NANCY Q. KEEFE,  
DEBBIE PINES, ELAINE A. ELLIS, CAROL  
TANZER MILLER, CAMERON McWHIRTER, TOM  
ANDERSON, MICHAEL MEEK, LAURIE NIKOLSKI,  
MILTON HOFFMAN, DOES 1-15, being Gannett  
Editors, EVELYN BRESLAW and ABBIE PETRILLO,

Defendants.

-----X  
STATE OF NEW YORK )

) ss.:

COUNTY OF WESTCHESTER )

DORIS L. SASSOWER, being duly sworn, deposes and says:

1. I am the Plaintiff in the above-entitled action and fully familiar with the facts, papers, and proceedings heretofore had herein.

2. This Affidavit is submitted in reply to the wholly inadequate December 6, 1993 Affidavit in Opposition of Robert M. Callagy, Esq. for the Gannett Defendants which effectively concedes my right to the relief requested by me.

3. Mr. Callagy's feeble 1-1/2 page Affidavit does not address that branch of my motion as seeks reconsideration and recall of this Court's October 22, 1993 Decision. It does not in any way dispute my careful presentation (at pp. 2-4 of my November 29, 1993 moving Affidavit) showing the Decision to be

factually erroneous in material respects--thereby conceding the truth thereof and entitling me to the requested reconsideration and recall so that the Court can correct same.

4. Nor does Mr. Callagy's Opposing Affidavit even mention that branch of my motion seeking renewal based on material facts not previously presented to the Court. This includes my evidentiary rebuttal of Gannett's contention that this action is time-barred (at pp. 2-4 of my moving Affidavit), as well as my fully documented, sworn allegations attesting to the merit of this action in a manner sufficient for summary judgment (at pp. 6-29 of my moving Affidavit).

5. The uncontroverted showing in my moving Affidavit warrants the granting of reargument by reason of the Court's having overlooked and misapprehended material facts and law, see, Rodney v. New York Pyrotechnic Products Co., Inc., 112 A.D.2d 410, 492 N.Y.S.2d 69 (1st Dept. 1985). As demonstrated by that Affidavit, the Court, in dismissing the action as to all Defendants, plainly overlooked that Defendants Breslaw and Petrillo are in default and that Gannett's counsel did not purport to represent them on its dismissal motion (§ 3 of my moving Affidavit) and, further that the statute of limitations defense is inapplicable (§§ 4-9 of my moving Affidavit).

6. In view of the foregoing, Mr. Callagy's bald assertion in his paragraph "4" that my motion does not meet the standard for granting reargument under CPLR §2221, which he himself cites and quotes as "based on a misunderstanding or

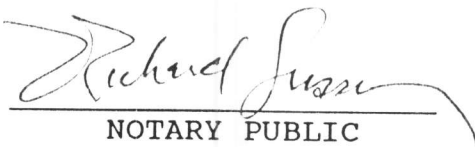
misapplication of prevailing law or controlling facts" is more than disingenuous. It is deliberately and knowingly false, dishonest, and in bad faith. As such, it is sanctionable under 22 NYCRR 130-1.1 et seq. and a deliberate deceit upon the Court within the meaning of Judiciary Law §487(1).

WHEREFORE, it is respectfully prayed that this Court grant Plaintiff's motion to reconsider and recall its October 22, 1993 Decision, which dismissed Plaintiff's action for failure to serve a complaint; grant reargument and renewal of her cross-motion to extend her time to serve a complaint; and upon such reargument and renewal grant her said cross-motion, together with such other and further relief as may be just and proper, including costs and sanctions against Mr. Callagy.



DORIS L. SASSOWER

Sworn to before me, this  
9th day of December 1993



NOTARY PUBLIC

RICHARD SUSSMAN  
Notary Public, State of New York  
No. 31-4861904  
Qualified in New York County  
Commission Expires May 19, 199...*f*

AFFIDAVIT OF SERVICE

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

ELENA RUTH SASSOWER, being duly sworn, deposes and says:

Deponent is not a party to the action, is over 18 years of age, and resides in White Plains, New York.

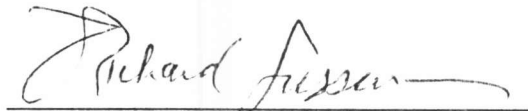
On December 9, 1993, Deponent served the within: PLAINTIFF'S REPLY AFFIDAVIT

upon: Satterlee, Stephens, Burke & Burke  
230 Park Avenue  
New York, New York 10169-0079

Counsel for Gannett Defendants in this action, by depositing a true copy of same in a post-paid properly addressed wrapper in the Post Office depository under the exclusive care and custody of the United State Postal Service within the State of New York directed to said attorneys at the address last furnished by them or last known to your Deponent.

  
ELENA RUTH SASSOWER

Sworn to before me this  
9th day of December 1993

  
Notary Public

RICHARD SUSSMAN  
Notary Public, State of New York  
No. 31-4861904  
Qualified in New York County  
Commission Expires May 19, 1994

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MILTON HOFFMAN, DOES 1-15, being Gannett  
Editors, EVELYN BRESLAW and ABBIE PETRILLO,  
Defendants.

PLAINTIFF'S REPLY AFFIDAVIT

DORIS L. SASSOWER, P.G.

*Attorney for*

**New Address:  
283 Soundview Avenue  
White Plains, N.Y. 10606  
(914) 997-1677**

*Office and Post Office Address, Telephone*  
**50 MAIN STREET • TENTH FLOOR  
WHITE PLAINS, N.Y. 10606  
(914) 662-2801**

To

Attorney(s) for

Service of a copy of the within is hereby admitted.

Dated,

.....  
Attorney(s) for

Sir:—Please take notice

NOTICE OF ENTRY

that the within is a (*certified*) true copy of a  
duly entered in the office of the clerk of the within named court on 19

NOTICE OF SETTLEMENT

that an order of which the within is a true copy will be presented for  
settlement to the HON. one of the judges

of the within named court, at  
on 19 at M.

Dated,

Yours, etc.

**New Address:  
283 Soundview Avenue  
White Plains, N.Y. 10606**

DORIS L. SASSOWER, P.G.

*Attorney for*

To

*Office and Post Office Address*

**50 MAIN STREET • TENTH FLOOR**

Attorney(s) for