

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

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DORIS SASSOWER,	:	Index No. 29094/92
	:	
Plaintiff,	:	
	:	
- against -	:	<u>NOTICE OF MOTION</u>
	:	
GANNETT COMPANY, INC., GANNETT	:	
SATELLITE INFORMATION NETWORK,	:	
INC., NANCY Q. KEEFE, DEBBIE PINES,	:	
ELAINE A. ELLIS, CAROLE TANZER	:	
MILLER, CAMERON McWHIRTER, TOM	:	
ANDERSON, MICHAEL MEEK, LAURIE	:	
NIKOLSKI, MILTON HOFFMAN, "DOES"	:	
1-15, being Gannett editors,	:	
EVELYN BRESLAW and ABBIE RETRILLO,	:	
	:	
Defendants.	:	
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PLEASE TAKE NOTICE that upon the annexed affidavit of Robert M. Callagy, sworn to June 15, 1993 and upon the exhibits annexed thereto, defendants Gannett Company, Inc., Gannett Satellite Information Network, Inc., Nancy Q. Keefe, Debbie Pines, Elaine A. Ellis, Carole Tanzer Miller, Cameron McWhirter, Tom Anderson, Michael Meek, Laurie Nikolski, Milton Hoffman, and "Does" 1-15, being Gannett editors, will move this Court at the Courthouse, 60 Centre Street, Motion Support Office Courtroom (Room 130), on July 9, 1993, at 9:30 a.m. or as soon thereafter as counsel may be heard, for an order pursuant to CPLR §3012 dismissing this action on the ground that plaintiff has failed to serve a complaint in accordance with the provisions of CPLR §3012(b).

This is an action for defamation.

PLEASE TAKE FURTHER NOTICE that pursuant to CPLR §2214(b), answering papers, if any, are required to be

served to the undersigned at least seven days before the return date of this motion.

Dated: New York, New York  
June 15, 1993

Robert M. Callagy  
SATTERLEE STEPHENS BURKE & BURKE  
Attorneys for Defendants  
Gannett Company, Inc.,  
Gannett Satellite  
Information Network, Inc.,  
Nancy Q. Keefe, Debbie  
Pines, Elaine A. Ellis,  
Carole Tanzer Miller,  
Cameron McWhirter, Tom  
Anderson, Michael Meek,  
Laurie Nikolski, Milton  
Hoffman, and "Does" 1-15,  
being Gannett editors  
230 Park Avenue  
New York, New York 10169  
(212) 818-9200

TO: DORIS L. SASSOWER  
Plaintiff Pro Se  
283 Soundview Avenue  
White Plains, New York 10606

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

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DORIS SASSOWER, : Index No. 29094/92  
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 : Plaintiff, :  
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 : - against - : AFFIDAVIT  
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 : GANNETT COMPANY, INC., GANNETT :  
 : SATELLITE INFORMATION NETWORK, :  
 : INC., NANCY Q. KEEFE, DEBBIE PINES, :  
 : ELAINE A. ELLIS, CAROLE TANZER :  
 : MILLER, CAMERON McWHIRTER, TOM :  
 : ANDERSON, MICHAEL MEEK, LAURIE :  
 : NIKOLSKI, MILTON HOFFMAN, "DOES" :  
 : 1-15, being Gannett editors, :  
 : EVELYN BRESLAW and ABBIE RETRILLO, :  
 :  
 : Defendants. :  
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ROBERT M. CALLAGY, being duly sworn, deposes and says:

1. I am a member of the firm of Satterlee, Stephens Burke & Burke, attorneys for defendants Gannett Company, Inc., Gannett Satellite Information Network, Inc., Nancy Q. Keefe, Deborah Pines, Elaine A. Ellis, Carole Tanzer Miller, Cameron McWhirter, Thomas Anderson, Michael Meek, Laurie Nikolski, Milton Hoffman, and "Does" 1-15, being Gannett editors (the "Gannett defendants"). I am fully familiar with the circumstances of this case and the facts set forth herein.

2. I make this affidavit in support of defendants' motion to dismiss this action pursuant to Section 3012 (b) of the Civil Practice Law and Rules.

3. On or about February 22, 1993, plaintiff Doris L. Sassower ("Sassower") served a summons dated October 26, 1992, with an "attachment," on the Gannett defendants. A copy of the summons, with attachment, is annexed hereto as Exhibit A. No

complaint was served with the summons, which states that the nature of the action is "libel, slander, and negligence" and that the relief sought is \$10,000,000 in compensatory damages and \$20,000,000 in punitive damages.

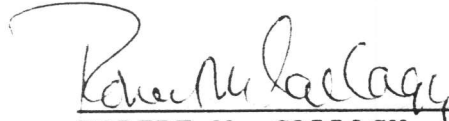
4. On March 9, 1993, the Gannett defendants, pursuant to Section 3012(b) of the Civil Practice Law and Rules, served on Sassower a Demand for Complaint, a copy of which, together with proof of service, is annexed hereto as Exhibit B.

5. Sassower did not serve the complaint within the twenty days provided by CPLR §3012(b). Instead, Sassower requested additional time in which to serve the complaint. The Gannett defendants agreed to extend Sassower's time to April 20, 1993 and executed a Stipulation to that effect, a copy of which is annexed hereto as Exhibit C.

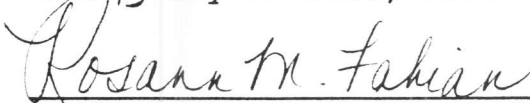
6. Sassower did not serve the complaint on or before April 20, 1993, and although she did request a further extension of time to serve a complaint, I explained that she had already had almost six months from the date of her summons and sixty days since the date the summons was served. I declined to grant a further extension for these reasons and also because the claim for libel she described was long since barred by the one-year statute of limitations, applicable in New York to claims for libel.

7. CPLR §3012(b) provides that the "court upon motion may dismiss the action if service of the complaint is not made as provided in this subdivision." Accordingly, Sassower

having failed to serve the complaint as provided in CPLR §3012(b), this action should be dismissed as against the Gannett defendants.

  
\_\_\_\_\_  
ROBERT M. CALLAGY

Sworn to before me  
this 15<sup>th</sup> day of June, 1993

  
\_\_\_\_\_  
Notary Public

**ROSANN M. FABIAN**  
**NOTARY PUBLIC, State of New York**  
**No. 30-4861841**  
**Qualified in Nassau County** 94  
**Commission Expires June 16, 19**\_\_\_\_

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RECORD FOLDER

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

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DORIS L. SASSOWER,

Plaintiff,

Index #  
29094/92

-against-

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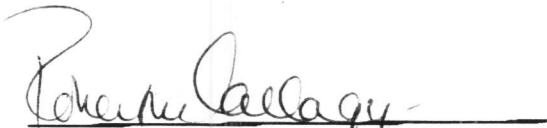
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STIPULATION

IT IS HEREBY AGREED by and between the parties hereto  
that the time within which Plaintiff can serve her complaint is  
extended to and including April 20, 1993.



DORIS L. SASSOWER  
Plaintiff Pro Se  
283 Soundview Avenue  
White Plains, New York 10606



Robert Callagy, Esq.  
SATTERLEE STEPHENS BURKE & BURKE  
Attorneys for Defendants GANNETT COMPANY, INC.,  
GANNETT SATELITE INFORMATION NETWORK, INC.,  
NANCY Q. KEEFE, DEBORAH PINES, ELAINE A. ELLIS,  
CAROLE TANZER MILLER, CAMERON McWHIRTER,  
TOM ANDERSON, MICHAEL MEEK, LAURIE NIKOLSKI,  
MILTON HOFFMAN, DOES 1-15, being Gannett editors,

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