

FILED  
MAY 18 2012  
Clerk of the Court

Supreme Court of the State of New York  
Appellate Division - Second Judicial Department

**Form A - Request for Appellate Division Intervention - Civil**

See § 670.3 of the rules of this court for directions on the use of this form (22 NYCRR 670.3).

**Case Title:** Set forth the title of the case as it appears on the summons, notice of petition or order to show cause by which the matter was or is to be commenced, or as amended.

ELENA RUTH SASSOWER and DORIS L. SASSOWER,  
Individually and as Director and President, respectively,  
of the Center for Judicial Accountability, Inc., and  
CENTER FOR JUDICIAL ACCOUNTABILTY, INC.,  
Acting *Pro Bono Publico*

-v-

GANNETT COMPANY, INC., The Journal News, LoHud.com  
HENRY FREEMAN, CYNDEE ROYLE, BOB FREDERICKS,  
D. SCOTT FAUBEL, KEITH EDDINGS, DOES 1-10

**For Court of Original Instance**

Date Notice of Appeal Filed

**For Appellate Division**

<b>Case Type</b>	<input type="checkbox"/> CPLR article 78 Proceeding <input type="checkbox"/> Special Proceeding Other <input type="checkbox"/> CPLR article 75 Arbitration <input type="checkbox"/> Habeas Corpus Proceeding	<b>Filing Type</b>	<input type="checkbox"/> Transferred Proceeding <input type="checkbox"/> CPLR 5704 Review <input checked="" type="checkbox"/> Appeal <input type="checkbox"/> Original Proceeding
<b>Nature of Suit:</b> Check up to five of the following categories which best reflect the nature of the case.			
<b>A. Administrative Review</b>	<b>D. Domestic Relations</b>	<b>F. Prisoners</b>	<b>I. Torts</b>
<input type="checkbox"/> 1 Freedom of Information Law <input type="checkbox"/> 2 Human Rights <input type="checkbox"/> 3 Licenses <input type="checkbox"/> 4 Public Employment <input type="checkbox"/> 5 Social Services <input type="checkbox"/> 6 Other	<input type="checkbox"/> 1 Adoption <input type="checkbox"/> 2 Attorney's Fees <input type="checkbox"/> 3 Children - Support <input type="checkbox"/> 4 Children - Custody/Visitation <input type="checkbox"/> 5 Children - Terminate Parental Rights <input type="checkbox"/> 6 Children - Abuse/Neglect <input type="checkbox"/> 7 Children - JD/PINS <input type="checkbox"/> 8 Equitable Distribution <input type="checkbox"/> 9 Exclusive Occupancy of Residence <input type="checkbox"/> 10 Expert's Fees <input type="checkbox"/> 11 Maintenance/Alimony <input type="checkbox"/> 12 Marital Status <input type="checkbox"/> 13 Paternity <input type="checkbox"/> 14 Spousal Support <input type="checkbox"/> 15 Other	<input type="checkbox"/> 1 Discipline <input type="checkbox"/> 2 Jail Time Calculation <input type="checkbox"/> 3 Parole <input type="checkbox"/> 4 Other <b>G. Real Property</b> <input type="checkbox"/> 1 Condemnation <input type="checkbox"/> 2 Determine Title <input type="checkbox"/> 3 Easements <input type="checkbox"/> 4 Environmental <input type="checkbox"/> 5 Liens <input type="checkbox"/> 6 Mortgages <input type="checkbox"/> 7 Partition <input type="checkbox"/> 8 Rent <input type="checkbox"/> 9 Taxation <input type="checkbox"/> 10 Zoning <input type="checkbox"/> 11 Other	<input type="checkbox"/> 1 Assault, Battery, False Imprisonment <input type="checkbox"/> 2 Conversion <input checked="" type="checkbox"/> 3 Defamation <input checked="" type="checkbox"/> 4 Fraud <input type="checkbox"/> 5 Intentional Infliction of Emotional Distress <input type="checkbox"/> 6 Interference with Contract <input type="checkbox"/> 7 Malicious Prosecution/Abuse of Process <input type="checkbox"/> 8 Malpractice <input type="checkbox"/> 9 Negligence <input type="checkbox"/> 10 Nuisance <input type="checkbox"/> 11 Products Liability <input type="checkbox"/> 12 Strict Liability <input type="checkbox"/> 13 Trespass and/or Waste <input type="checkbox"/> 14 Other
<b>B. Business &amp; Other Relationships</b>	<b>E. Miscellaneous</b>	<b>H. Statutory</b>	<b>J. Wills &amp; Estates</b>
<input type="checkbox"/> 1 Partnership/Joint Venture <input type="checkbox"/> 2 Business <input type="checkbox"/> 3 Religious <input type="checkbox"/> 4 Not-for-Profit <input type="checkbox"/> 5 Other	<input type="checkbox"/> 1 Constructive Trust <input type="checkbox"/> 2 Debtor & Creditor <input type="checkbox"/> 3 Declaratory Judgment <input type="checkbox"/> 4 Election Law <input type="checkbox"/> 5 Notice of Claim <input type="checkbox"/> 6 Other	<input type="checkbox"/> 1 City of Mount Vernon Charter §§ 120, 127-f, or 129 <input type="checkbox"/> 2 Eminent Domain Procedure Law § 207 <input type="checkbox"/> 3 General Municipal Law § 712 <input type="checkbox"/> 4 Labor Law § 220 <input type="checkbox"/> 5 Public Service Law §§ 128 or 170 <input type="checkbox"/> 6 Other	<input type="checkbox"/> 1 Accounting <input type="checkbox"/> 2 Discovery <input type="checkbox"/> 3 Probate/Administration <input type="checkbox"/> 4 Trusts <input type="checkbox"/> 5 Other
<b>C. Contracts</b>			
<input type="checkbox"/> 1 Brokerage <input type="checkbox"/> 2 Commercial Paper <input type="checkbox"/> 3 Construction <input type="checkbox"/> 4 Employment <input type="checkbox"/> 5 Insurance <input type="checkbox"/> 6 Real Property <input type="checkbox"/> 7 Sales <input type="checkbox"/> 8 Secured <input type="checkbox"/> 9 Other			

**Appeal**

Paper Appealed From (check one only):

- |   |   |   |   |
|---|---|---|---|
| <input type="checkbox"/> Amended Decree   | <input type="checkbox"/> Determination          | <input checked="" type="checkbox"/> Order   | <input type="checkbox"/> Resettled Order  |
| <input type="checkbox"/> Amended Judgment | <input type="checkbox"/> Finding                | <input type="checkbox"/> Order & Judgment   | <input type="checkbox"/> Ruling           |
| <input type="checkbox"/> Amended Order    | <input type="checkbox"/> Interlocutory Decree   | <input type="checkbox"/> Partial Decree     | <input type="checkbox"/> Other (specify): |
| <input type="checkbox"/> Decision         | <input type="checkbox"/> Interlocutory Judgment | <input type="checkbox"/> Resettled Decree   |   |
| <input type="checkbox"/> Decree           | <input type="checkbox"/> Judgment               | <input type="checkbox"/> Resettled Judgment |   |

Court: <i>Supreme Court</i>	County: <i>Suffolk</i>
Dated: <i>April 23, 2012</i>	Entered: <i>filed May 1, 2012</i>
Judge (name in full): <i>Peter Fox Cohalan</i>	Index No.: <i>10-12596</i>
Stage: <input type="checkbox"/> Interlocutory <input checked="" type="checkbox"/> Final <input type="checkbox"/> Post-Final	Trial: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes: <input type="checkbox"/> Jury <input type="checkbox"/> Non-Jury

**Prior Unperfected Appeal Information**

Are any unperfected appeals pending in this case?  Yes  No. If yes, do you intend to perfect the appeal or appeals covered by the annexed notice of appeal with the prior appeals?  Yes  No. Set forth the Appellate Division Cause Number(s) of any prior, pending, unperfected appeals: *2012-00126*

**Original Proceeding**

Commenced by:  Order to Show Cause  Notice of Petition  Writ of Habeas Corpus Date Filed: \_\_\_\_\_

Statute authorizing commencement of proceeding in the Appellate Division: \_\_\_\_\_

**Proceeding Transferred Pursuant to CPLR 7804(g)**

Court:	County:
Judge (name in full):	Order of Transfer Date:

**CPLR 5704 Review of Ex Parte Order**

Court:	County:
Judge (name in full):	Dated:

**Description of Appeal, Proceeding or Application and Statement of Issues**

**Description:** If an appeal, briefly describe the paper appealed from. If the appeal is from an order, specify the relief requested and whether the motion was granted or denied. If an original proceeding commenced in this court or transferred pursuant to CPLR 7804(g), briefly describe the object of the proceeding. If an application under CPLR 5704, briefly describe the nature of the ex parte order to be reviewed.

This is an appeal from Justice Cohalan's four-sentence April 23, 2012 short-form order which denied plaintiffs' December 21, 2011 motion to disqualify him for bias, for reargument of his September 22, 2011 decision dismissing plaintiffs' verified complaint, and for sanctions against defense counsel for their "factually and legally false advocacy" - and which neither denied nor identified the further relief sought by plaintiffs' motion: (1) his disqualification for interest; (2) disclosure of facts bearing upon his fairness and impartiality; (2) vacatur of his September 22, 2011 decision pursuant to CPLR §5015(a)(3) for "fraud, misrepresentation, or other misconduct of an adverse party"; (3) vacatur of his September 22, 2011 decision pursuant to CPLR §5015(a)(4) for "lack of jurisdiction" by reason of his disqualification for interest; and (4) leave to amend the verified complaint pursuant to CPLR §3025(b).

Amount:  
Issues:

Specify the issues proposed to be raised on the appeal, proceeding, or application for CPLR 5704 review.

1. Was plaintiffs' December 21, 2011 motion to disqualify Justice Cohalan for "demonstrated actual bias and interest" sufficient to entitle them to his disqualification and, if denied, for their alternative requested relief of his disclosure of facts bearing upon his fairness and impartiality?

Issues Continued:

2. Whether the record before Justice Cohalan supports any interpretation other than that his April 23, 2012 short-form order is a knowing and deliberate fraud by him, further reinforcing plaintiffs' entitlement to his disqualification for "demonstrated actual bias and interest"?

Use Form B for Additional Appeal Information

**Party Information**

Instructions: Fill in the name of each party to the action or proceeding, one name per line. If this form is to be filed for an appeal, indicate the status of the party in the court of original instance and his, her, or its status in this court, if any. If this form is to be filed for a proceeding commenced in this court, fill in only the party's name and his, her, or its status in this court.

Examples of a party's original status include: plaintiff, defendant, petitioner, respondent, claimant, defendant third-party plaintiff, third-party defendant, and intervenor. Examples of a party's Appellate Division status include: appellant, respondent, appellant-respondent, respondent-appellant, petitioner, and intervenor.

No.	Party Name	Original Status	Appellate Division Status
1	Elena Ruth Sassow	plaintiff	appellant
2	Doris L. Sassow	plaintiff	appellant
3	Center for Judicial Accountability Inc	plaintiff	appellant
4	Gannett Company, Inc.	defendant	respondent
5	The Journal News	defendant	respondent
6	Cottud.com	defendant	respondent
7	Henry Freeman	defendant	respondent
8	Cyndee Royle	defendant	respondent
9	Bob Fredericks	defendant	respondent
10	D. Scott Fausel	defendant	respondent
11	Keith Eddings	non-apposing defendant	
12	Does 1-10	non-apposing defendant	
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