

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SUFFOLK

----- X
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*,

Index #10-12596

Justice Peter Fox Cohalan

NOTICE OF CROSS-MOTION

Oral Argument Requested

Plaintiffs,

-against-

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

Defendants.

-----X
PLEASE TAKE NOTICE that upon the annexed affidavit of Plaintiff ELENA RUTH SASSOWER, sworn to on November 29, 2010, the exhibits annexed thereto, Plaintiffs' accompanying memorandum of law, dated November 29, 2010, and upon all the papers and proceedings heretofore had, Plaintiffs will make a cross-motion before Supreme Court Justice Peter Fox Cohalan, in Courtroom 6, at the Supreme Court at 1 Court Street, Riverhead, New York 11901, on December 15, 2010, or as soon thereafter as the parties or their counsel can be heard for an order:

(1) imposing maximum costs and \$10,000 sanctions against defense counsel pursuant to 22 NYCRR §130-1.1 *et seq.*

(2) referring defense counsel to appropriate disciplinary authorities pursuant to this Court's mandatory "Disciplinary Responsibilities" under the Chief Administrator's Rules Governing Judicial Conduct, 22 NYCRR §100.3D(2), for their knowing and deliberate violations of New York's Rules

of Professional Conduct for Attorneys and, specifically, Rule 3.1 “Non-Meritorious Claims and Contentions”, Rule 3.3 “Conduct Before A Tribunal”, and Rule 8.4 “Misconduct”;

(3) assessing damages against defense counsel for deceit and collusion proscribed under Judiciary Law §487(1) as a misdemeanor and entitling plaintiffs to treble damages;

(4) disqualifying defense counsel for violation of Rule 1.7 of the Rules of Professional Conduct for Attorneys “Conflict of Interest: Current Clients”, as they are themselves parties, being defendant DOES;

(5) granting plaintiffs a default judgment against the non-appearing DOES 1-10 pursuant to CPLR §3215;

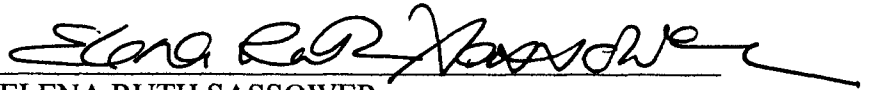
(6) extending plaintiffs’ time to serve their Summons with Notice and Verified Complaint upon defendant Eddings pursuant to CPLR §306-b;

(7) giving notice, pursuant to CPLR §3211(c), that defendants’ dismissal motion is being considered by the Court as one for summary judgment in plaintiffs’ favor on their Verified Complaint’s three causes of action: for libel (¶¶36-56), libel *per se* (¶¶57-64), for journalistic fraud (¶¶65-79), and on a fourth cause of action related thereto: institutional reckless disregard for truth; with additional notice, as part thereof, that the Court will be determining whether defendant Journal News should be ordered to remove from its masthead its “ACCURACY” policy as a false and misleading advertising claim, in violation of public policy, including General Business Law, Article 22-A (§§349 and 350, *et seq.*).

(8) for such other and further relief as may be just and proper, including \$100 motion costs pursuant to CPLR §8202.

PLEASE TAKE FURTHER NOTICE that pursuant to stipulation between the parties, answering papers, if any, are to be served on plaintiffs no later than December 9, 2010.

Dated: Southampton, New York
November 29, 2010



ELENA RUTH SASSOWER
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Tel: 631-377-3583
Individually & Acting Pro Bono Publico

Dated: New York, New York
November 29, 2010

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TO: SATTERLEE STEPHENS BURKE & BURKE LLP
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Tel: 212-819-9200
*Attorneys for Defendants Gannett Company, Inc.,
Gannett Satellite Information Network, Inc.,
Henry Freeman, CynDee Royle, Bob Fredericks,
and D. Scott Faubel*

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Defendants.

PLAINTIFFS' NOTICE OF CROSS-MOTION
WITH AFFIDAVIT IN SUPPORT &
IN OPPOSITION TO
DEFENDANTS' DISMISSAL MOTION

ELENA RUTH SASSOWER, *Pro Se*
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