

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*,

Plaintiffs,

AFFIDAVIT OF SERVICE
For Verified Complaint

Index #10-12596

-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
STATE OF NEW YORK)
COUNTY OF SUFFOLK) ss:

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

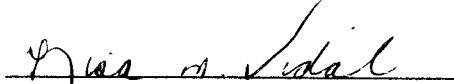
I am the first named individual plaintiff herein, *pro se* in my individual capacity and on behalf of the public.

Pursuant to agreement with Meghan H. Sullivan, Esq., of Satterlee, Stephens, Burke & Burke, LLP, counsel to Defendants, I served plaintiffs' Verified Complaint by e-mail on October 4, 2010, with the hard copy thereafter served, by hand-delivery, on October 6, 2010.

Annexed, in substantiation, are the pertinent e-mails with Ms. Sullivan, together with an original of the law firm's stamp of the first page of the Verified Complaint, signed by Brian Roe, Manager in Charge, who after checking, stated he was authorized to accept service.


ELENA RUTH SASSOWER

Sworn to before me this
25th day of October 2010


Notary Public

LISA M. VIDAL
Notary Public, State of New York
No. 04VI6181436
Qualified in Suffolk County
Commission Expires Jan. 24, 2012

Center for Judicial Accountability, Inc. (CJA)

From: Meghan H. Sullivan [msullivan@ssbb.com]
Sent: Monday, September 27, 2010 4:53 PM
To: elena@judgewatch.org
Cc: Meghan H. Sullivan
Subject: Sassower, et al. v. Gannett Co., Inc., et al., Index No. 10-12596

Dear Ms. Sassower-

This confirms our conversation of this afternoon, in which we agreed that you would serve a copy of the Complaint in the above-referenced lawsuit by e-mail or facsimile (to the contact information included below) on or before October 4, 2010, with subsequent service by mail. I would appreciate your replying to this e-mail to confirm receipt. Many thanks.

Meghan H. Sullivan
Satterlee Stephens Burke & Burke LLP
230 Park Avenue, Suite 1130
New York, NY 10169
E-mail: msullivan@ssbb.com
Direct Dial: (212) 404-8741
Main: (212) 818-9200
Fax: (212) 818-9606

The information in this e-mail and any attachment is strictly confidential and is intended solely for the individual or company to whom it is addressed. If you receive this communication by error, please DELETE ALL COPIES and notify the sender immediately. Thank you. We make efforts to keep our network free from viruses. You should, however, review this e-mail message, as well as any attachment thereto, for viruses. We take no responsibility or liability for any computer virus which may be transmitted via this e-mail message.

To ensure compliance with requirements imposed by the IRS, we inform you that any tax advice contained in this communication (including any attachments) was not intended or written to be used, and cannot be used, for the purpose of (a) avoiding penalties under the Internal Revenue Code or (b) promoting, marketing or recommending to another party any transaction or matter addressed herein.

10/25/2010

Center for Judicial Accountability, Inc. (CJA)

From: Center for Judicial Accountability, Inc. (CJA) [elena@judgewatch.org]
Sent: Monday, September 27, 2010 5:13 PM
To: 'Meghan H. Sullivan'
Cc: 'James DeFelice'
Subject: RE: Sassower, et al. v. Gannett Co., Inc., et al., Index No. 10-12596

Dear Ms. Sullivan,

This is to confirm receipt of your e-mail – and that I have agreed that service of plaintiffs' Verified Complaint will be made, as indicated below.

As discussed, I am forwarding a copy of this e-mail to plaintiffs' counsel, James DeFelice, Esq., as he represents me as Director of the Center for Judicial Accountability, Inc. (CJA), represents Doris L. Sassower, individually and as CJA's President, and represents CJA, acting *pro bono publico*.

Thank you.

Elena Sassower
631-377-3583

From: Meghan H. Sullivan [mailto:msullivan@ssbb.com]
Sent: Monday, September 27, 2010 4:53 PM
To: elena@judgewatch.org
Cc: Meghan H. Sullivan
Subject: Sassower, et al. v. Gannett Co., Inc., et al., Index No. 10-12596

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Meghan H. Sullivan
Satterlee Stephens Burke & Burke LLP
230 Park Avenue, Suite 1130
New York, NY 10169
E-mail: msullivan@ssbb.com
Direct Dial: (212) 404-8741
Main: (212) 818-9200
Fax: (212) 818-9606

The information in this e-mail and any attachment is strictly confidential and is intended solely for the individual or company to whom it is addressed. If you receive this communication by error, please DELETE ALL COPIES and notify the sender immediately. Thank you. We make efforts to keep our network free from viruses. You should, however, review this e-mail message, as well as any attachment thereto, for viruses. We take no responsibility or liability for any computer virus which may be transmitted via this e-mail message.

To ensure compliance with requirements imposed by the IRS, we inform you that any tax advice contained in this communication (including any attachments) was not intended or written to be used, and cannot be used, for the purpose of (a) avoiding penalties under the Internal Revenue Code or (b) promoting, marketing or recommending to another party any transaction or matter addressed herein.

10/25/2010

Center for Judicial Accountability, Inc. (CJA)

From: Center for Judicial Accountability, Inc. (CJA) [elena@judgewatch.org]
Sent: Monday, October 04, 2010 9:05 PM
To: 'Meghan H. Sullivan'
Cc: 'Jim DeFelice'
Subject: VERIFIED COMPLAINT: RE: Sassower, et al. v. Gannett Co., Inc., et al., Index No. 10-12596
Attachments: verified-complaint.pdf

Dear Ms. Sullivan,

Following up our phone conversation this afternoon, attached is plaintiffs' Verified Complaint, signed by myself and James DeFelice, Esq. I will separately e-mail the exhibits.

As agreed, plaintiffs will mail a hard copy to you tomorrow – although, if I am able, I will deliver it personally to your office at 230 Park Avenue.

Thank you.

Elena Sassower

From: Meghan H. Sullivan [mailto:msullivan@ssbb.com]
Sent: Monday, September 27, 2010 4:53 PM
To: elena@judgewatch.org
Cc: Meghan H. Sullivan
Subject: Sassower, et al. v. Gannett Co., Inc., et al., Index No. 10-12596

Dear Ms. Sassower-

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Meghan H. Sullivan
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10/25/2010

Center for Judicial Accountability, Inc. (CJA)

From: Center for Judicial Accountability, Inc. (CJA) [elena@judgewidth.org]
Sent: Monday, October 04, 2010 9:09 PM
To: 'Meghan H. Sullivan'
Cc: 'Jim DeFelice'
Subject: Exhibits 1
Attachments: ex-1a.pdf; ex-1b.pdf; ex-1c.pdf; ex-1d.pdf; ex-1e.pdf; ex-1f.pdf

Center for Judicial Accountability, Inc. (CJA)

From: Center for Judicial Accountability, Inc. (CJA) [elena@judgewatch.org]

Sent: Monday, October 04, 2010 9:11 PM

To: 'Meghan H. Sullivan'

Cc: 'Jim DeFelice'

Subject: Exhibits 2 & 3

Attachments: ex-2a.pdf; ex-2b.pdf; ex-3a.pdf; ex-3b.pdf; ex-3c.pdf; ex-3d.pdf

Center for Judicial Accountability, Inc. (CJA)

From: Center for Judicial Accountability, Inc. (CJA) [elena@judgewatch.org]
Sent: Monday, October 04, 2010 9:12 PM
To: 'Meghan H. Sullivan'
Cc: 'Jim DeFelice'
Subject: Exhibits 4 & 5
Attachments: ex-4a.pdf; ex-4b.pdf; ex-5.pdf

Center for Judicial Accountability, Inc. (CJA)

From: Center for Judicial Accountability, Inc. (CJA) [elena@judgewatch.org]

Sent: Monday, October 04, 2010 9:13 PM

To: 'Meghan H. Sullivan'

Cc: 'Jim DeFelice'

Subject: Exhibits 6 & 7

Attachments: ex-6.pdf; ex-7-analysis.pdf

exhibits to analysis separately e-mailed

Center for Judicial Accountability, Inc. (CJA)

From: Center for Judicial Accountability, Inc. (CJA) [elena@judgewatch.org]

Sent: Monday, October 04, 2010 9:15 PM

To: 'Meghan H. Sullivan'

Cc: 'Jim DeFelice'

Subject: exhibits to analysis A-C

Attachments: ex-A-1.pdf; ex-A-2.pdf; ex-A-3.pdf; ex-B.pdf; ex-C.pdf

Center for Judicial Accountability, Inc. (CJA)

From: Center for Judicial Accountability, Inc. (CJA) [elena@judgewatch.org]
Sent: Monday, October 04, 2010 9:15 PM
To: 'Meghan H. Sullivan'
Cc: 'Jim DeFelice'
Subject: exhibits to analysis D-F
Attachments: ex-D.pdf; ex-E.pdf; ex-F.pdf

Center for Judicial Accountability, Inc. (CJA)

From: Center for Judicial Accountability, Inc. (CJA) [elena@judgewidth.org]

Sent: Monday, October 04, 2010 9:17 PM

To: 'Meghan H. Sullivan'

Cc: 'Jim DeFelice'

Subject: exhibits to analysis G-H

Attachments: ex-G-1.pdf; ex-G-2.pdf; ex-G-3.pdf; ex-H-1.pdf; ex-H-2.pdf; ex-H-3.pdf

Center for Judicial Accountability, Inc. (CJA)

From: Center for Judicial Accountability, Inc. (CJA) [elena@judgewatch.org]

Sent: Monday, October 04, 2010 9:21 PM

To: 'Meghan H. Sullivan'

Cc: 'Jim DeFelice'

Subject: exhibits to analysis I-K

Attachments: ex-I-2.pdf; ex-I-3.pdf; ex-I-4.pdf; ex-J.pdf; ex-K.pdf; ex-I-1.pdf

Center for Judicial Accountability, Inc. (CJA)

From: Center for Judicial Accountability, Inc. (CJA) [elena@judgewatch.org]
Sent: Monday, October 04, 2010 9:21 PM
To: 'Meghan H. Sullivan'
Cc: 'Jim DeFelice'
Subject: exhibits 8 & 9
Attachments: ex-8.pdf; ex-9.pdf

Center for Judicial Accountability, Inc. (CJA)

From: Center for Judicial Accountability, Inc. (CJA) [elena@judgewatch.org]
Sent: Monday, October 04, 2010 9:35 PM
To: 'Meghan H. Sullivan'
Cc: 'Jim DeFelice'
Subject: Verified Complaint -- this time scanned on ltr-size paper
Attachments: verified-complaint.pdf

Dear Ms. Sullivan,

As I discovered that I had e-mailed you a scanned Verified Complaint on legal size paper, attached is the same Verified Complaint on letter size paper, which – if you are printing out – will be more convenient for you.

Elena Sassower

10/25/2010

Center for Judicial Accountability, Inc. (CJA)

From: Center for Judicial Accountability, Inc. (CJA) [elena@judgewatch.org]
Sent: Monday, October 04, 2010 9:56 PM
To: 'Meghan H. Sullivan'
Cc: 'Jim DeFelice'
Subject: thanks -- RE: Verified Complaint -- this time scanned on ltr-size paper

From: Meghan H. Sullivan [mailto:msullivan@ssbb.com]
Sent: Monday, October 04, 2010 9:46 PM
To: Center for Judicial Accountability, Inc. (CJA)
Cc: Jim DeFelice
Subject: RE: Verified Complaint -- this time scanned on ltr-size paper

Much appreciated.

-----Original Message-----

From: Center for Judicial Accountability, Inc. (CJA) [mailto:elena@judgewatch.org]
Sent: Monday, October 04, 2010 9:35 PM
To: Meghan H. Sullivan
Cc: 'Jim DeFelice'
Subject: Verified Complaint -- this time scanned on ltr-size paper

Dear Ms. Sullivan,

As I discovered that I had e-mailed you a scanned Verified Complaint on legal size paper, attached is the same Verified Complaint on letter size paper, which – if you are printing out – will be more convenient for you.

Elena Sassower

Center for Judicial Accountability, Inc. (CJA)

From: Center for Judicial Accountability, Inc. (CJA) [elena@judgewidth.org]
Sent: Tuesday, October 05, 2010 8:01 AM
To: 'Meghan H. Sullivan'
Cc: 'Jim DeFelice'
Subject: Verified Complaint: Sassower v. Gannett
Attachments: verified-complaint.pdf

Dear Ms. Sullivan –

The attached Verified Complaint corrects typos and makes some non-substantive clarifying changes. Please supersede what I e-mailed you yesterday with this – a hard copy of which, with exhibits, I will hand-deliver to your office, if not late in the day today, than tomorrow morning, unless you would prefer that it be mailed.

Apologies for any inconvenience.

Thank you.

Elena Sassower

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 ACCOUNTABILITY, INC.,
Acting *Pro Bono Publico*,

Plaintiffs,

-against-

VERIFIED COMPLAINT
Index #10-12596

JURY TRIAL DEMANDED

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

Defendants.
-----X

“The First Amendment goes beyond protection of the press...’ ...‘it is the right of the [public], not the right of the [media] which is paramount,’ ...for ‘without the information provided by the press most of us and many of our representatives would be unable to vote intelligently or to register opinions on the administration of government generally,’ ...”, *Cohen v. Cowles Media Co.*, 501 U.S. 663, 678 (1991), Justice Souter, writing in dissent with Justices Marshall, Blackmun, and O’Connor, cited in “*Journalistic Malpractice: Suing Jayson Blair and the New York Times for Fraud and Negligence*”, 14 Fordham Intellectual Property, Media & Entertainment Law Journal 1, footnotes 62 and 156 (2003).

“Newspapers, magazines, and broadcast companies are businesses conducted for profit and often make very large ones. Like other enterprises that inflict damage in the course of performing a service highly useful to the public...they must pay the freight; and injured persons should not be relegated [to remedies which] make collection of their claims difficult or impossible unless strong public policy considerations demand.”, *Buckley v. New York Post Corp.*, 373 F.3d 175, 182 (2nd Cir. 1967), quoted in *Curtis Publishing Co. v. Butts*, 388 U.S. 130, 147 (1967).

Plaintiffs, as and for their Verified Complaint, respectfully set forth and allege:

1. This is an action for libel and journalistic fraud against the above-named defendants, seeking compensatory and punitive money damages and such other and further relief as may be just and proper.

Satterlee Stephens Burke & Burke LLP
230 Park Avenue
New York, NY 10169
212-818-9200 x 8754

Brian Rue - MC 10/6/10