

March 20, 2013

Mark D. Harris  
Member of the Firm  
d 212.969.3530  
f 212.969.2900  
mharris@proskauer.com  
www.proskauer.com

By Hand

Hon. Shlomo S. Hagler  
Supreme Court, Civil Term, New York County  
111 Centre Street, Room 326  
New York, New York 10013

Re: *Rakofsky, et al. v. Washington Post, et al.* (Docket No. 105573/2011)

Dear Justice Hagler:

This Firm represents defendants, the American Bar Association, Debra Cassens Weiss, Sarah Randag, and the ABAJournal.com (which is not a legal entity, as Mr. Rakofsky knows but has failed to dismiss from this action) (collectively, the “ABA”) in the above-referenced matter. We write in response to Mr. Rakofsky’s March 13, 2013 letter to the Court, which we received by first class mail from Plaintiffs’ counsel, Mr. Goldsmith, on Monday, March 18, 2013.

Mr. Rakofsky’s post-oral argument letter to this Court is an improper sur-reply to the ABA’s motion for costs and fees. *Cf.* NYCRR § 202.70(g). We ask that the Court disregard it, and therefore will not burden the Court with a substantive response, at additional costs and fees to the ABA, unless the Court so requests. The submission stands as a sharp reminder and renewed confirmation that Plaintiffs, with Mr. Goldsmith’s assistance, have made, and will continue to make, frivolous submissions if there are no consequences for their actions.

Respectfully submitted,



Mark D. Harris

cc (via electronic mail):

Matthew H. Goldsmith, Esq. (counsel for Plaintiffs)  
Defense counsel of record