

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

SARAH PALIN, an individual,

Plaintiff,

– against –

THE NEW YORK TIMES COMPANY,  
a New York corporation,

Defendant.

No. 17 Civ. 4853

Hon. Jed S. Rakoff

ECF Case

**PLAINTIFF’S NOTICE OF OMNIBUS POST-TRIAL MOTIONS**

**PLEASE TAKE NOTICE** that, pursuant to her correspondence to the Court dated February 22, 2022, and the Court’s instructions at the telephonic hearing held on February 23, 2022 at 4:00 p.m., Plaintiff, Sarah Palin (“Gov. Palin”), by her undersigned attorneys, moves for the following relief:

1. Disqualification of the Honorable Jed S. Rakoff, U.S. District Judge, pursuant to 28 U.S.C. § 255, retroactive to August 28, 2020, and setting aside and/or vacating the rulings and orders made by the Court during such time, including *without limitation* the Court’s February 14, 2022 Rule 50 decision, Verdict [Doc. 173] and Final Judgment [Doc. 171], as well as granting Plaintiff a new trial.<sup>1</sup>
2. Approval to interview the members of the jury concerning their receipt of push notifications during the trial of this action.<sup>2</sup>

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<sup>1</sup> See e.g., *U.S. v. Microsoft Corp.*, 253 F.3d 34, 107-117 (D.C. Cir. 2001); *In re. Boston’s Children First*, 244 F.3d 164 (1st Cir. 2001); *Ligon v. City of New York*, 736 F.3d 118, 123-127 (2d Cir. 2013), *vacated in part on other grounds*, 743 F.3d 362 (2d Cir. 2014); *In re. IBM Corp.*, 45 F.3d 641 (2d Cir. 1995); *Liljeberg v. Health Services Acquisition Corp.*, 486 U.S. 847, 863-64 (1988).

<sup>2</sup> See *Fed. R. Evid.* 606; *Bibbins v. Dalsheim*, 21 F.3d 13, 17 (2d Cir. 1994); *U.S. v. Calbas*, 821 F.2d 887, 896-897 (2d Cir. 1987); *U.S. v. Loyd*, 269 F.3d 228, 237-241 (3d Cir. 2001); *U.S. v. Gaggi*, 811 F.2d 47, 51 (2d Cir.), *cert. denied*, 482 U.S. 929 (1987); *U.S. v. Lord*, 565 F.2d 831, 838-839 (2d Cir. 1977).

3. Reconsideration, Reargument, and/or Rehearing of the Court's decision granting Defendants' Motion for Judgment as a Matter of Law under Rule 50, *Fed. R. Civ. P.*, announced orally<sup>3</sup> on February 14, 2022.<sup>4</sup>
4. Setting aside and/or vacating the Verdict [Doc. 173] and Final Judgment [Doc. 171] and granting Plaintiff a new trial under Rules 59 and 60, *Fed. R. Civ. P.*<sup>5</sup>

**PLEASE TAKE FURTHER NOTICE** that, pursuant to the Court's instructions at the telephonic hearing held on February 23, 2022, Plaintiff must file her memorandum of law in support of these motions, not to exceed 50 pages, on or before **March 15, 2022**. Defendants must file any opposition papers, not to exceed 50 pages, on or before **March 29, 2022**. Plaintiff must file any reply, not to exceed 15 pages, on or before **April 5, 2022**.

Dated: February 28, 2022.

/s/ Shane B. Vogt

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and

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<sup>3</sup> At the February 23, 2022 hearing, the Court announced it would enter a written order granting Defendants' Rule 50 Motion on March 1, 2022. This Notice is being filed to ensure compliance with the deadlines set forth in Local Civil Rule 6.3, based on the Court's oral pronouncement of it ruling on the Rule 50 Motion on February 14, 2022. However, Plaintiff's Motion includes reconsideration of any subsequent written orders entered by the Court.

<sup>4</sup> See e.g. *Munafro v. Metro. Transp. Auth.*, 381 F.3d 99, 105 (2d Cir. 2004); *Farez-Espinosa v. Napolitano*, 2009 WL 1118098 (S.D.N.Y. Apr. 27, 2009); *Hae Suk Bae v. Garvey*, 2016 WL 10950009 (S.D.N.Y. Sep. 12, 2016).

<sup>5</sup> See e.g. *Raedle v. Credit Agricole Indosuez*, 670 F.3d 411, 417 (2d Cir. 2012); *Manley v. AmBase Corp.*, 337 F.3d 237, 245 (2d Cir. 2003); *Stampf v. Long Island R.R. Co.*, 761 F.3d 192, 203 (2d Cir. 2014); *Pappas v. Middle Earth Condo. Ass'n*, 963 F.2d 534, 540 (2d Cir. 1992); *U.S. v. Kozeny*, 667 F.3d 122, 130 (2d Cir. 2011); *Graham v. City of New York*, 128 F.Supp.3d 681, 692-93 (E.D.N.Y. 2015); *Lee v. City of Troy*, 339 F.R.D. 346, 370 (N.D.N.Y. 2021).

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**CERTIFICATE OF SERVICE**

I hereby certify that Plaintiff's Notice of Omnibus Post-Trial Motions was filed electronically on February 28, 2022. This Notice will be sent by operation of the Court's electronic filing system to counsel of record for all parties as indicated on the electronic filing receipt. Parties and their counsel may access this filing through the Court's system.

*/s/ Shane B. Vogt*

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Attorney