

CAHILL GORDON & REINDEL LLP  
32 OLD SLIP  
NEW YORK, NY 10005

HELENE R. BANKS  
ANIRUDH BANSAL  
DAVID L. BARASH  
LANDIS C. BEST  
BRADLEY J. BONDI  
BROCKTON B. BOSSON  
JONATHAN BROWNSON \*  
JOYDEEP CHOUDHURI \*  
JAMES J. CLARK  
CHRISTOPHER W. CLEMENT  
LISA COLLIER  
AYANO K. CREED  
PRUE CRIDDLE ±  
SEAN M. DAVIS  
STUART G. DOWNING  
ADAM M. DWORKIN  
ANASTASIA EFIMOVA  
JENNIFER B. EZRING  
HELENA S. FRANCESCHI  
JOAN MURTAGH FRANKEL  
JONATHAN J. FRANKEL

ARIEL GOLDMAN  
PATRICK GORDON  
JASON M. HALL  
STEPHEN HARPER  
WILLIAM M. HARTNETT  
NOLA B. HELLER  
CRAIG M. HOROWITZ  
DOUGLAS S. HOROWITZ  
TIMOTHY B. HOWELL  
DAVID G. JANUSZEWSKI  
ELAI KATZ  
JAKE KEAVENY  
BRIAN S. KELLEHER  
RICHARD KELLY  
CHÉRIE R. KISER †  
JOEL KURTZBERG  
TED B. LACEY  
MARC R. LASHBROOK  
ALIZA R. LEVINE  
JOEL H. LEVITTIN  
GEOFFREY E. LIEBMANN

TELEPHONE: (212) 701-3000  
WWW.CAHILL.COM

1990 K STREET, N.W.  
WASHINGTON, DC 20006-1181  
(202) 862-8900

CAHILL GORDON & REINDEL (UK) LLP  
20 FENCHURCH STREET  
LONDON EC3M 3BY  
+44 (0) 20 7920 9800

WRITER'S DIRECT NUMBER  
(212) 701-3120

BRIAN T. MARKLEY  
MEGHAN N. McDERMOTT  
WILLIAM J. MILLER  
EDWARD N. MOSS  
NOAH B. NEWITZ  
WARREN NEWTON §  
DAVID R. OWEN  
JOHN PAPACHRISTOS  
LUIS R. PENALVER  
KIMBERLY PETILLO-DÉCOSSARD  
SHEILA C. RAMESH  
MICHAEL W. REDDY  
OLEG REZZY  
THORN ROSENTHAL  
TAMMY L. ROY  
JONATHAN A. SCHAFFZIN  
DARREN SILVER  
JOSIAH M. SLOTNICK  
RICHARD A. STIEGLITZ JR.  
ROSS E. STURMAN  
SUSANNA M. SUH

ANTHONY K. TAMA  
JONATHAN D. THIER  
JOHN A. TRIPODORO  
GLENN J. WALDRIP, JR.  
HERBERT S. WASHER  
MICHAEL B. WEISS  
DAVID WISHENGRAD  
C. ANTHONY WOLFE  
COREY WRIGHT  
ELIZABETH M. YAHL  
JOSHUA M. ZELIG

\* ADMITTED AS A SOLICITOR IN  
ENGLAND AND WALES ONLY  
± ADMITTED AS A SOLICITOR IN  
WESTERN AUSTRALIA ONLY  
‡ ADMITTED IN DC ONLY  
§ ADMITTED AS AN ATTORNEY  
IN THE REPUBLIC OF SOUTH AFRICA  
ONLY

December 21, 2021

Re: *Project Veritas v. The New York Times Company, Maggie  
Astor, Tiffany Hsu, and John Does 1-5* (Index No.  
63921/2020)

Dear Justice Wood:

We write to respectfully urge the Court to rule on the pending Order to Show Cause by this Thursday, December 23, as required by CPLR 2219(a), which provides that “[a]n order determining a motion relating to a provisional remedy shall be made within twenty days . . . after the motion is submitted for decision.” As the Order to Show Cause was fully submitted on December 3, CPLR 2219(a) requires that a decision be made by December 23.

The Interim Order was entered 33 days ago, on November 18, 2021 [Dkt. 170], and, even as modified [Dkt. 197], the Order restricts The Times’s newsgathering and publishing activities in ways that irreparably harm The Times and the public. As the United States Supreme Court and New York courts have repeatedly held, this “loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury.” *Elrod v. Burns*, 427 U.S. 347, 373 (1976) (plurality opinion); *see also New York Times Co. v. United States*, 403 U.S. 713, 715 (1971) (Black, J., concurring) (“[E]very moment’s continuance of the injunctions against these newspapers amounts to a flagrant, indefensible, and continuing violation of the First Amendment.”); *Time Square Books, Inc. v. City of Rochester*, 223 A.D.2d 270, 278 (4th Dep’t 1996) (“Infringement of the constitutionally guaranteed right of free expression, ‘for even minimal periods of time, unquestionably constitutes irreparable injury’” (quoting *Elrod*)). For the reasons set forth in our prior submissions, and given the significant constitutional freedoms at stake, The Times respectfully requests that the Court promptly lift the Interim Order and deny the Order to Show Cause.

We thank the Court for its consideration.

Respectfully submitted,

/s/ Joel Kurtzberg  
Joel Kurtzberg

Hon. Charles D. Wood  
Supreme Court Justices, 9<sup>th</sup> JD  
Westchester County Courthouse  
111 Dr. Martin Luther King Jr. Boulevard  
White Plains, New York 10601

VIA NYSCEF

Cc: All counsel of record (*via NYSCEF*)