

CITY COURT OF THE CITY OF WHITE PLAINS  
STATE OF NEW YORK: COUNTY OF WESTCHESTER

FILED CITY COURT OF  
WHITE PLAINS, N.Y.

2009 APR 23 P 3:45

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JOHN McFADDEN,

Petitioner,

**Index #SP-1502/07**

**NOTICE OF MOTION  
to Settle Transcript of November 16,  
2007 Court Proceeding Before Judge  
Jo Ann Friia**

-against-

ELENA SASSOWER,

Respondent.

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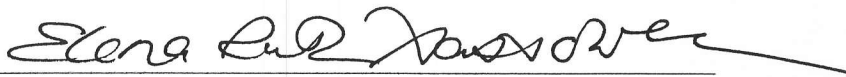
PLEASE TAKE NOTICE that upon the annexed affidavit of respondent ELENA SASSOWER, sworn to on April 23, 2009, the exhibits annexed thereto, and upon all the papers and proceedings heretofore had, respondent ELENA SASSOWER will move in White Plains City Court at 77 South Lexington Avenue, White Plains, New York 10601, on May 4, 2009 at 9:30 a.m., or as soon thereafter as the parties or their counsel can be heard, for an order:

- (1) settling the transcript of the November 16, 2007 court proceeding before Judge Jo Ann Friia, pursuant to Uniform City Court Act §1704; and
- (2) for such other and further relief as may be just and proper.

Pursuant to CPLR §2214(b), answering affidavits, if any, are required to be served at least two days prior to the May 4, 2009 return date.

Dated: White Plains, New York  
April 23, 2009

Yours, etc.,



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ELENA RUTH SASSOWER, *Pro Se*  
c/o Karmel  
25 East 86<sup>th</sup> Street  
New York, New York 10128  
Tel: 646-220-7987

TO: LEONARD A. SCLAFANI, ESQ.  
Two Wall Street, 5<sup>th</sup> Floor  
New York, New York 10005

CITY COURT OF THE CITY OF WHITE PLAINS  
STATE OF NEW YORK: COUNTY OF WESTCHESTER

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JOHN McFADDEN,

Petitioner,

**Index #SP-1502/07**

**Respondent's Affidavit in Support  
of Motion to Settle Transcript of  
November 16, 2007 Court Proceeding  
Before Judge Jo Ann Friia**

-against-

ELENA SASSOWER,

Respondent.  
----- x

STATE OF NEW YORK            )  
COUNTY OF WESTCHESTER ) ss:

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

1. I am the *pro se* respondent in this case in which I have already perfected two appeals, presently pending before the Appellate Term of the Appellate Division, Second Department: appeal #2008-1428-WC from Judge Hansbury's October 11, 2007 decision & order; and appeal #2008-1433-WC from Judge Hansbury's January 29, 2008 decision & order.

2. In connection with these appeals, as well as my now-perfected appeal in *John McFadden v. Doris L. Sassower and Elena Sassower*, #SP-651/89 (#SP-2008-1474), from Judge Friia's July 3, 2008 decision & order and her July 21, 2008 judgment of eviction and warrant of removal [appeal #2008-1427-WC], I have paid a stenographer to transcribe the court proceeding of November 16, 2007 – the return date of my November 9, 2007 order to

show cause to disqualify Judge Hansbury and vacate his October 11, 2007 decision & order by reason thereof or upon the granting of reargument, at which Judge Friia presided. A copy of the stenographic transcript, made on March 3, 2009, is annexed hereto as Exhibit A.

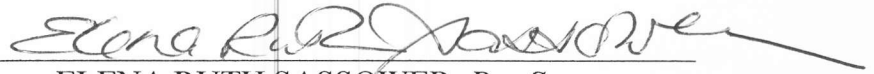
3. This Court's Clerk's Office has already furnished the Appellate Term with its Clerk's Returns on Appeals for these appeals. These Clerk's Returns, dated July 31, 2008 and July 30, 2008 (Exhibits B-1, B-2), are non-conforming with the requirements of Uniform City Court Act §1704 and materially false, including by purporting that #SP-1502/07 and #SP-651/89 were "settled". In fact, neither case was "settled" – an issue now before the Appellate Term on my also perfected appeal of Judge Friia's October 14, 2008 decision & order [appeal #2009-148-WC]. Nonetheless, I have been told by the Appellate Term's Clerk's Office – including by Clerk Paul Kenny himself – that in order for the transcript of the November 16, 2007 court proceeding to be considered on appeal, I must first settle it in this Court, following which this Court's Clerk's Office will transmit it to the Appellate Term (Exhibit C, p. 3).

4. Consequently, I instructed the stenographic service that I engaged to transcribe the November 16, 2007 court proceeding to mail the original transcript to this Court's Clerk's Office, together with the CD from which the transcription was made. I have been informed by this Court's Clerk's Office that it has received the original transcript – and have reminded the stenographic service to forward the CD, as well.

5. I submit that the most important correction to be made in settling the transcript is its coverpage, which the stenographer composed from the erroneous labeling on the CD disk. Contrary to that labeling, made by this Court's Clerk's Office on or about August 14, 2008 (Exhibit A), the coverpage of the settled transcript for November 16, 2007 should

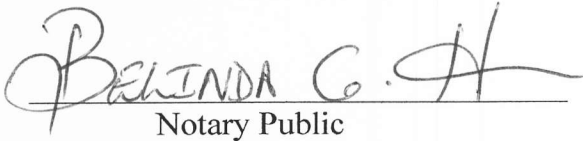
contain only a single caption and case number, that of *John McFadden v. Elena Sassower*, #SP-1502/07. Additionally, the identification of Judge Friia should be modified to reflect that she is Senior Judge of White Plains City Court and not, as the stenographer identified, “Support Magistrate”.

6. I have hand-written other corrections to the annexed copy of the November 16, 2007 transcript – most for obvious errors in the stenographer’s transcription (Exhibit A).<sup>1</sup>



ELENA RUTH SASSOWER, *Pro Se*

Sworn to before me  
this 23<sup>rd</sup> day of April 2009



Notary Public

**BELINDA HAUGHTON**  
Notary Public, State of New York  
No. 01HA6179682  
Qualified in Westchester County  
Commission Expires Dec. 24, 2011

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<sup>1</sup> Petitioner’s attorney, Leonard Sclafani, Esq., possesses an uncorrected copy of the November 16, 2007 transcript – as it was Exhibit L to my appellant’s brief for my appeals #2008-1427-WC & #2008-148-WC, which I served and filed on April 17, 2009.