

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

-----X  
JOHN McFADDEN,

Petitioner,

**NOTICE OF CROSS-MOTION  
TO DISMISS**

-against-

Index No. 02-12153

DORIS L. SASSOWER and ELENA SASSOWER,

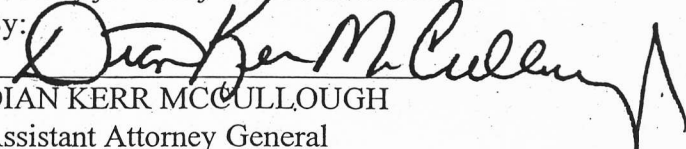
Respondents.  
-----X

PLEASE TAKE NOTICE that, upon the annexed affirmation of Dian Kerr McCullough, Assistant Attorney General, dated October 3, 2008 the Chief Clerk Patricia Lupi will move this Court on October 10, 2008, before the Honorable Jo Ann Fria. City Judge, The City of White Plains City Court, 77 South Lexington Avenue, White Plains, New York 10601 as soon thereafter as counsel may be heard for an order pursuant to Section 3211 (a) (2) of the Civil Practice Law and Rules, dismissing the complaint in its entirety on the ground that this Court lacks subject matter jurisdiction over the claim, and for such other and further relief as this Court may deem just and proper.

Dated: October 3, 2008  
White Plains, New York

ANDREW M. CUOMO  
Attorney General of the  
State of New York  
*Attorney for Chief Clerk Patricia Lupi*

By:

  
DIAN KERR MCCULLOUGH  
Assistant Attorney General  
101 East Post Road  
White Plains, New York 10601  
Tel. No. (914) 422-8757

TO: Ms. Elena Ruth Sassower  
*Pro Se*  
16 Lake Street, Apt. 2C  
White Plains, NY 10603

Leonard A. Sclafani, Esq.  
18 East 41<sup>st</sup>, Suite 1500  
New York, NY 10017

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CITY COURT OF WHITE PLAINS

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-Petitioner-

-against-

DORIS L. SASSOWER and ELENA SASSOWER,

-Respondents-

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ANDREW M. CUOMO  
Attorney General of the State of New York  
Attorney for Defendant  
101 East Post Road  
White Plains, New York 10601

DIAN KERR McCULLOUGH  
Assistant Attorney General  
of Counsel  
(914) 422-8755

rec'd 10/7/08



STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL

(914) 422-8757

ANDREW M. CUOMO  
ATTORNEY GENERAL

DIVISION OF REGIONAL OFFICES  
WESTCHESTER REGIONAL OFFICE

October 6, 2008

Honorable Jo Ann Fria, City Judge  
The City of White Plains City Court  
77 South Lexington Avenue  
White Plains, New York 10601

Re: McFadden v. Sassower  
Index No. 02-12153

Dear Judge Fria:

Enclosed please find an amended notice of cross-motion respectfully requesting an order pursuant to Section 3211 (a) (2) of the Civil Practice Law and Rules, denying the motion in its entirety on the ground that this Court lacks subject matter jurisdiction over the claim. I thank the Court for its consideration in this matter.

Respectfully submitted,

Dian Kerr McCullough  
Assistant Attorney General

To: Ms. Elena Ruth Sassower  
*Pro Se*  
16 Lake Street, Apt. 2C  
White Plains, NY 10603

Leonard A. Sclafani, Esq.  
18 East 41<sup>st</sup>, Suite 1500  
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Dated: October 3, 2008  
White Plains, New York

ANDREW M. CUOMO  
Attorney General of the  
State of New York  
*Attorney for Chief Clerk Patricia Lupi*

By: 

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Assistant Attorney General  
101 East Post Road  
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DIAN KERR McCULLOUGH  
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of Counsel  
(914) 422-8755