

Elena Ruth Sassower

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NYS OFFICE OF THE ATTORNEY GENERAL
WESTCHESTER REGIONAL OFFICE

BY HAND

October 17, 2008

OCT 17 2008

RECEIVED BY

ASSISTANT ATTORNEY GENERAL

Jacqueline Rodriguez, Clerk, Landord/Tenant Part
White Plains City Court
77 Lexington Avenue
White Plains, New York 10601

RE: John McFadden v. Doris L. Sassower and Elena Sassower
White Plains City Court #SP-651/89 & SP-2008-1474

FILED CITY COURT OF
WHITE PLAINS, N.Y.
2008 OCT 17 P 2:44

Dear Ms. Rodriguez:

Enclosed is my self-explanatory letter of today's date, responding to Mr. Sclafani's October 14, 2008 letter to you.

Also enclosed is a duplicate copy for Judge Friia, who Mr. Sclafani indicated as a recipient of his letter and who is, therefore, an indicated recipient of mine.

Thank you.

Very truly yours,



ELENA RUTH SASSOWER, *Pro Se*

Enclosures

cc: Leonard Sclafani, Esq.
Assistant Attorney General Dian Kerr McCullough

Elena Ruth Sassower

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BY FAX: 212-949-6310 (5 pages)

October 17, 2008

Leonard A. Sclafani, Esq.
18 East 41st Street, Suite 1500
New York, New York 10017

RE: Your Frivolous October 14, 2008 letter to Jacqueline Rodriguez
McFadden v. Doris L. Sassower & Elena Sassower
White Plains City Court #SP-651/89 (SP-2008-1474)

Dear Mr. Sclafani,

This responds to your frivolous October 14, 2008 letter to Jacqueline Rodriguez in the White Plains City Court Clerk's Office – copies of which you additionally saw fit to send to Assistant Attorney General McCullough and Judge Friia.

I deny that the copy of my October 10, 2008 letter to Ms. Rodriguez which I sent you did not include the referred-to replacement pages. However, if, as you purport, those pages were not included, all you had to do was to telephone or fax me a request for same and I would have readily provided them to you.

In any event, even without those pages, you knew precisely the changes they made – and how utterly *de minimis* they were because my October 10, 2008 letter explicitly identified them as “add[ing] the words ‘hand-delivered’ to the itemization therein of my August 22, 2008 and August 28, 2008 letters to Clerk Lupi.”¹

A further copy of my October 10, 2008 letter to Mr. Rodriguez is enclosed, with its referred-to replacement pages 4 and 5.

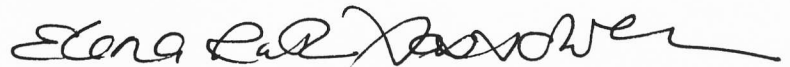
Your October 14, 2008 letter to Ms. Rodriguez goes on to state:

“I am sure that I need not inform you that it would be improper for you to accommodate Ms. Sassower's request or otherwise to alter, amend, change, add to or subtract from, any aspect of Ms. Sassower's previously filed papers.”

I deny that there is anything “improper” about my request to correct pages in my then pending September 18, 2008 motion – and, especially, when the truth of those *de minimis* corrections was *verifiable* from the face of my August 22, 2008 and August 28, 2008 letters, annexed as Exhibits K and L to the motion, each letter marked “BY HAND” and bearing a date/time file stamp of the White Plains City Court Clerk’s Office establishing hand-delivery.

Consequently, I hereby request that you “inform” Ms. Rodriguez – as well as all those who are recipients of your letter, myself included – as to what legal authority, if any, supports your bald claim.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Elena Ruth Sassower', with a long, sweeping horizontal line extending to the right.

ELENA RUTH SASSOWER

Enclosure

cc: Judge Jo Ann Friia
Assistant Attorney General Dian Kerr McCullough

Elena Ruth Sassower

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BY HAND

October 10, 2008

Jacqueline Rodriguez, Clerk, Landord/Tenant Part
White Plains City Court
77 Lexington Avenue
White Plains, New York 10601

RE: *John McFadden v. Doris L. Sassower and Elena Sassower,*
White Plains City Court #SP-681/89 & "SP-2008-1474"

Dear Ms. Rodriguez:

Please replace pages 4 and 5 of my September 18, 2008 affidavit in support of my motion with the enclosed pages 4 and 5. These add the words "hand-delivered" to the itemization therein of my August 22, 2008 and August 28, 2008 letters to Clerk Lupi.

Thank you.

Very truly yours,



ELENA RUTH SASSOWER, *Pro Se*

cc: Leonard Sclafani, Esq.
Assistant Attorney General Dian Kerr McCullough

procedure is for me to make a motion in this Court prior to seeking relief from the Appellate Term, including for its so-ordering of a subpoena to Chief Clerk Lupi for the documents and information I requested from her by letters dated July 30, 2008 (Exhibit H) and August 22, 2008 (Exhibit K).

5. Such motion – whether to this Court or to the Appellate Term – would be unnecessary but for Chief Clerk Lupi’s wilful and deliberate failure to respond to my August 22, 2008 letter to her (Exhibit K), particularizing the deficiencies of the “Clerk’s Return on Appeal” for #651/89 (Exhibit F) and for #1502/07 (Exhibit G), neither of which she signed, as well as the knowingly false and misleading nature of her August 7, 2008 letter to me (Exhibit J) in purported response to my July 30, 2008 letter to her (Exhibit H).

6. In the interest of judicial economy, I incorporate by reference the correspondence between myself and Chief Clerk Lupi, setting forth the facts germane to this motion and entitling me to ALL its requested relief. This correspondence is:

(a) my hand-delivered July 30, 2008 letter to Chief Clerk Lupi (Exhibit H);

(b) my hand-delivered August 7, 2008 letter to Chief Clerk Lupi, stating that I had received no response from her to my July 30, 2008 letter and that such was prejudicial as the requested information was needed for my July 30, 2008 order to show cause in the Appellate Term for a stay pending appeal, returnable on August 13, 2008 (Exhibit I);

(c) Chief Clerk Lupi’s August 7, 2008 letter to me, sent in an envelope postmarked August 8, 2008 and not delivered to me until August 13, 2008 (Exhibit J);

(d) my hand-delivered August 22, 2008 letter to Chief Clerk Lupi,

requesting that she respond in time for my further submission to the Appellate Term due on September 2, 2008 (Exhibit K); and

(e) my hand-delivered August 28, 2008 letter to Chief Clerk Lupi, stating that I had received no response and asking that she advise when her response would be forthcoming (Exhibit L).

7. I rest on the exposition in my aforesaid letters to Chief Clerk Lupi, with only the following modification as to the contents of the record of #1502/07 transmitted by the White Plains City Court Clerk's Office to the Appellate Term. The recitation in the second paragraph on page 5 of my August 22, 2008 letter (Exhibit J) was true and correct on August 13, 2008, but not on September 2, 2008.

On September 2, 2008, I again requisitioned the record of #1502/07 at the Appellate Term and received the identical folder as I had on August 13, 2008. I thereupon inquired of Senior Court Clerk David Ryan whether there might be a further folder containing the record – which he succeeded in locating and which he then marked with a #1, placing a #2 on the other folder. This folder #1 contained documents that approximate the description in the second paragraph of page 5 of my August 22, 2008 letter (Exhibit K) as having been listed in the “Papers Forwarded to Appellate Term” compiled by the White Plains City Court Clerk's Office (Exhibit G-2)².

² The “2) Stenographers Minutes” are those for June 30, 2008;

The “3) Federal Cases” is the August 12, 1991 district court decision in the federal action involving the subject apartment – which had been one of many federal court decisions transmitted by Mr. Sclafani under a July 17, 2007 letter to Judge Eric Press, which was not among the file contents;

The “16) Letter from Sclafani” is his August 30, 2007 faxed letter to me [misdated June 7, 2007] responding to my August 29, 2007 faxed letter to him requesting his missing page 33 of his