



STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL

ANDREW M. CUOMO  
ATTORNEY GENERAL

DIVISION OF REGIONAL OFFICES  
WESTCHESTER REGIONAL OFFICE

October 22, 2008

White Plains City Court  
77 South Lexington Avenue  
White Plains, New York 10601

Re: MCFADDEN v. SASSOWER  
INDEX NO. SP 1474/08

Dear Sir/Madam:

Transmitted herewith please find the Notice of Entry (with proof of service) in the above-captioned matter.

Very truly yours,

Dian Kerr McCullough  
Assistant Attorney General

Enclosure

cc: Lawrence J. Glynn, Esq.  
2 William Street  
White Plains, NY 10601

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

Doris L. Sassower  
283 Soundview Avenue  
White Plains, NY 10606

Elena Sassower  
16 Lake Street, Apartment 2C  
White Plains, NY 10603

STATE OF NEW YORK  
CITY COURT OF WHITE PLAINS

-----X  
JOHN MCFADDEN,

Index No.: SP 1474/08

Petitioner,

-against-

DECISION ON MOTION  
WITH NOTICE OF ENTRY

(J. Friia)

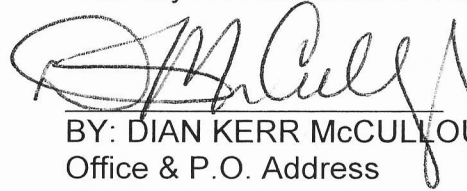
DORIS L. SASSOWER and ELENA SASSOWER,

Respondents.  
-----X

**Please Take Notice**, that the within is a true copy of the Decision on Motion duly filed and entered in the above-entitled matter with the White Plains City Court Clerk on the 15<sup>th</sup> day of October 2008.

Dated: White Plains, New York  
October 21, 2008

ANDREW M. CUOMO  
Attorney General of the  
State of New York  
Attorney for Additional Defendant



BY: DIAN KERR McCULLOUGH  
Office & P.O. Address  
101 East Post Road  
White Plains, New York 10601  
Tel. No. (914) 422-8755

TO: Lawrence J. Glynn, Esq.  
Attorney for Respondent  
2 William Street  
White Plains, New York 10601

Leonard A. Sclafani, Esq.  
Attorney for Petitioner  
18 East 41<sup>st</sup> Street, Suite 1500  
New York, New York 10017

Doris L. Sassower  
Respondent Pro Se  
283 Soundview Avenue  
White Plains, New York 10606

Elena Sassower  
Respondent Pro Se  
16 Lake Street, Apartment 2C  
White Plains, New York 10603

08-084026

dm



Present: HON. JO ANN FRIIA  
CITY COURT JUDGE

-----X  
JOHN MCFADDEN,

Petitioner,

-against-

DORIS L. SASSOWER and ELENA SASSOWER,

Respondents.  
-----X

**DECISION ON MOTION**

TO COMMENCE THE  
STATUTORY TIME PERIOD  
FOR APPEALS AS OF RIGHT  
(CPLR 5513[a]) YOU ARE  
ADVISED TO SERVE A COPY  
OF THIS ORDER, WITH NOTICE  
OF ENTRY, UPON ALL PARTIES.

INDEX NO.: SP 1474/08  
MOTION DATE: 9/26/08

The following papers numbered 1 to 7 read on this motion by respondent.

- Notice of Motion 1
- Affidavit of Elena Ruth Sassower 2
- Exhibits A - L 3
- Notice of Cross-Motion 4
- Affirmation of Dian Kerr McCullough 5
- Reply Affidavit of Elena Ruth Sassower 6
- Exhibits M - Q 7

RECEIVED  
CITY COURT OF  
WHITE PLAINS, N.Y.  
OCT 15 A 9:12

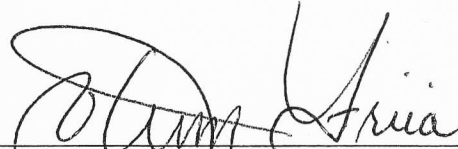
Upon the foregoing papers the Court finds and decides as follows:

Although denominated a "notice of motion," the relief sought therein is, in essence, the subject of an Article 78 proceeding, in the nature of mandamus, seeking to compel the Chief Clerk to produce records in connection with a pending appeal before the Appellate Term, Second Department. The City Court is without subject matter jurisdiction to entertain respondent's application (CPLR § 7804 [b]).

Accordingly, respondent's motion is denied. Cross-motion granted to the extent that the City Court is without subject matter jurisdiction to entertain respondent's application.

**THIS DECISION CONSTITUTES THE ORDER OF THE COURT**

Dated: White Plains, New York  
October 14, 2008



HON. JO ANN FRIA  
CITY COURT JUDGE

TO: Leonard A. Sclafanii, Esq.  
Attorney for Petitioner  
18 East 41<sup>st</sup> Street, Suite 1500  
New York, New York 10017

Lawrence J. Glynn, Esq.  
Attorney for Respondent  
2 William Street  
White Plains, New York 10601

Doris L. Sassower  
Respondent Pro Se  
283 Soundview Avenue  
White Plains, New York 10606

Elena Sassower  
Respondent Pro Se  
16 Lake Street, Apartment 2C  
White Plains, New York 10603

Andrew M. Cuomo  
Attorney General of the State of New York  
Attorney for Chief Clerk Patricia Lupi  
By: Dian Kerr McCullough, Esq.  
Assistant General Attorney  
101 East Post Road  
White Plains, New York 10601

INDEX NO. SP 1474/08

---

STATE OF NEW YORK  
CITY COURT OF WHITE PLAINS

---

JOHN McFADDEN,

-Petitioner-

-against-

DORIS L. SASSOWER and ELENA SASSOWER,

-Respondents-

---

DECISION ON MOTION WITH NOTICE OF ENTRY

---

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