



rec'd 10/7/08

STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

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ANDREW M. CUOMO
ATTORNEY GENERAL

DIVISION OF REGIONAL OFFICES
WESTCHESTER REGIONAL OFFICE

October 6, 2008

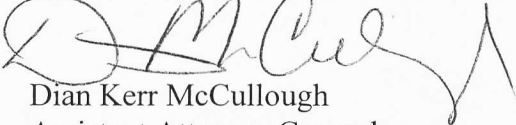
Honorable Jo Ann Fria, City Judge
The City of White Plains City Court
77 South Lexington Avenue
White Plains, New York 10601

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 41st, Suite 1500
New York, NY 10017

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.
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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, denying the motion 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: 

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