

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

- - - - -X

JOHN MCFADDEN

Index #SP 651/89  
#SP2008-1474

Petitioner

**AFFIRMATION**

-against-

DORIS L. SASSOWER and  
ELENA SASSOWER

Respondents

- - - - -X

Leonard A. Sclafani hereby affirms under penalty of perjury  
as follows:

1. I am an attorney duly admitted to practice law before  
the courts of the State of New York. I am a member of the  
firm of Leonard A. Sclafani P.C., attorneys for John McFadden,  
in the above captioned matter. As such, I am familiar with  
the facts and circumstances surrounding this matter and  
hereinafter set forth.

2. I submit this affirmation in opposition to the motion  
of respondent Elena Sassower for various relief including an  
order referring Chief Clerk Lupi for disciplinary and criminal  
investigation and prosecution for misconduct for obstruction  
of justice and other crimes and an order requiring this Court

to provide the Appellate Term of the Supreme Court with "docket sheets" for the above captioned case and several other cases in which Ms. Sassower was, or is, involved, either directly or indirectly, and most of which have been closed for many years.

3. Ms. Sassower's motion is patently frivolous and must be rejected as such.

4. There is no requirement that the Court or its Chief Clerk provide any microfilm or microfiche to the Appellate Term of the Supreme Court either as part of a "Clerk Return on Appeal" or otherwise.

5. Similarly, there is no requirement that the Court or its Chief Clerk send to the Appellate Term any papers that are not part of the official record in this case.

6. Likewise, there is no requirement that the Chief Clerk of this Court or any clerk of the court respond to Ms. Sassower's letters or provide Ms. Sassower with answers to the various demands for information and explanations contained

therein.

7. Indeed, Ms. Sassower's repeated communications with the Court and its Clerks without providing your affirmant with copies thereof constitute ex-parte communications that it would be improper for the Court or its Clerks to consider.

8. Ms. Sassower's letters are not part of the Court's official file.

9. Ms. Sassower bases a good portion of her motion on an ex-parte conversation that she claims to have had with the Chief Clerk of the Appellate Term, Paul Kenny.

10. Your affirmant called Mr. Kenny and inquired as to whether the substance of his conversation with Ms. Sassower was as Ms. Sassower reported it.

11. I read to Mr. Kenny that portion of Ms. Sassower's moving papers as purport to report the substance of her conversation with him and he assured me that Ms. Sassower had not accurately reported his conversation and that he did not

give her the advice or counsel that she claims to have received from him.

12. Ms. Sassower claims that the "Clerk's Return on Appeal" in this case was improper as to form and omitted several documents that should have been included as part of the return.

13. Ms. Sassower fails to provide copies of any documents that she claims were, or should have been, part of the Court's official file in this matter; nor does Ms. Sassower provide any objective evidence that the Clerk's Return on Appeal was, somehow, incomplete.

14. Assuming arguendo that any of what Ms. Sassower points to as material errors in the form of the "Clerk's Return" as opposed to its substance are, in fact, technical errors, (a position with which petitioner does not agree), any such errors are inconsequential and de minimus, and Ms. Sassower has not been, and will not be, prejudiced in anyway as a result thereof.

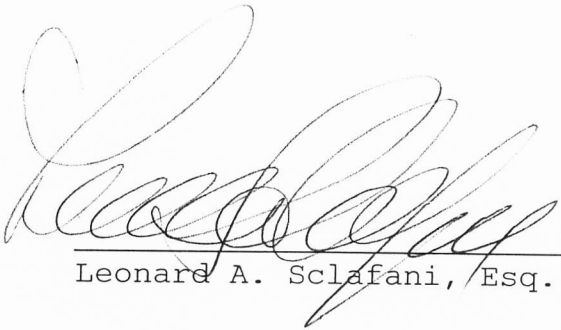
15. With respect to that portion of Ms. Sassower's motion as seeks referral of Chief Clerk Lupi for disciplinary and criminal investigation and prosecution for judicial misconduct, Ms. Sassower's claims are frivolous per se.

16. Chief Clerk Lupi should regard herself flattered now to be included among such respected persons as the entire bench of the Supreme Court of the United States, the entire panel of judges of the United States Court of Appeals for the Second Circuit who had any involvement with the matters before that Court involving Ms. Sassower, United States District Judge Goetel, who presided over Ms. Sassower's frivolous civil rights action underlying these proceedings, virtually the entire bench of this Court as it was constituted in the late eighties and early nineties and all but one of the current bench of this Court, each of whom Ms. Sassower has claimed engaged in fraudulent illegal conduct towards her and each of whom have been victimized by Ms. Sassower's frivolous motions seeking to refer them for discipline and prosecution.

WHEREFORE, your affirmant respectfully requests that Ms.

Sassower's motion herein must be denied and that petitioner be granted such other relief as is appropriate including the award of sanctions against Ms. Sassower for her frivolous conduct herein.

Dated: September 25, 2008  
New York, New York



Leonard A. Sclafani, Esq.