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JOHN McFADDEN,

Petitioner-Landlord,

- against -

DORIS SASSOWER and ELENA SASSOWER,
Respondent-Tenants.

CALENDAR PROCEEDINGS
Index No.
SP 651-89(1474-08)

AND

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JOHN McFADDEN,

Petitioner-Landlord,

- against -

ELENA SASSOWER,
Respondent-Tenant.

Index No.
SP 1502/07

City Court of White Plains
White Plains, New York
June 30, 2008

B E F O R E: HON. JO ANN FRIIA
CITY COURT JUDGE OF WHITE PLAINS

A P P E A R A N C E S:

LEONARD A. SCLAFANI, P.C.
Attorney for Petitioner-Landlord
18 East 41st Street, 15th Floor
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ELENA SASSOWER
Pro Se Respondent-Tenant
16 Lake Street, Apartment 2C
White Plains, New York 10603

Other Appearances:

John McFadden

Eleanor L. Scarpino
Official Court Reporter

EXE

1
2 The judges of this court must follow the
3 decision and orders of each other. We do not sit as
4 an appellate review of each other, okay; so, unless a
5 decision of one of the judges of this court, full-time
6 or part-time, is reversed by a superior court, in this
7 case the Appellate Term of the State Supreme Court, or
8 proceedings here stayed by the Supreme Court which has
9 exclusive, original jurisdiction over all matters, we
10 are bound to follow each other's decisions.

11 And in that way, I defer to Judge Hansbury and
12 his decisions of October 11, 2007, and January 29, 2008.
13 As best I know, as we speak, while there may be appeals
14 of those decisions, there is no stay of the directions
15 of those decisions, nor has the Appellate Term or the
16 Supreme Court spoken with respect to the contents of
17 those decisions.

* 18 In that way, our chief clerk sought to
19 retrieve the file from 1989, and in so doing,
20 ascertained that that is the only other open case in
21 this matter.

22 Reference has been made today to other
23 proceedings that might have been filed and occurred
24 throughout the years, referring specifically to the last
25 17, 18 years in this city court between Mr. McFadden,

1
2 Elena and/or Doris L. Sassower, and/or a certain
3 cooperative housing corporation which may be a real
4 party in interest here, I don't know that, but may be
5 a real party in interest here, sounds like they are for
6 the moment since we are not addressing the facts, just
7 the procedure, those are all closed files, okay.

8 The only open file from the past historically
9 here is 651 of '89. Okay. Going to that file, Mr.
10 Sclafani is absolutely correct that this is, that file
11 is still open in that Judge James Reap reserved decision
12 on the petitioner's then motion for summary judgment,
13 pending the results of litigation in the Federal Court.

14 Okay. That having been said, there are now
15 three full time judges and one half-time judge in White
16 Plains City Court. That was not the case in 1989. Over
17 the years the configuration of this court has changed.
18 Nonetheless, I'm sitting the longest and I'm the
19 successor in interest, being the senior judge, to Judge
20 James Reap who was the senior judge in 1989 immediately
21 prior to his retirement.

22 Our chief clerk then directed the file to
23 me, for lack of a better way to assign older files, that
24 file was directed to me. In directing that file to me,
25 the decision of Judge Hansbury to then recuse himself,

1
2 with this decision but I know you had another
3 application.

* 4 MS. SASSOWER: Well, with all respect, your
5 Honor, I made, I have ten affirmative defenses here and
6 my first one relates to open proceedings.

7 I read the pertinent portion into the record
8 today. I said there are three open proceedings. This
9 is what I determined based upon reviewing the file last
10 summer as well as my own copy of the file.

11 THE COURT: I understand. That statement
12 disagrees with what I have just said. Do you have
13 another application to the Court?

14 MS. SASSOWER: Well, with all respect, I
15 understood you to say that you are, you are resting on
16 Chief Clerk Lupi telling you that the other two
17 proceedings of the co-op brought by the co-op, which I
18 identified in my first affirmative defense to be open,
19 she has represented to you, not on papers, not in a
20 letter, not in my commun -- she has represented to you
21 as being closed.

22 THE COURT: No, that's not what I said, Ms.
23 Sassower. What I said is that a review of the files for
24 the last 18 years, I asked her to go back one year prior
25 to 1990, just to make sure we have the full span, only

1 confirms that is the only open matter in this court.

2 All other files are closed.

3 MS. SASSOWER: That's not correct, your Honor.

4 THE COURT: I'm telling you that. I'm telling
5 you that is not what Ms. Lupi told me. That is what the
6 records of the White Plains City Court indicate.

7 MS. SASSOWER: Can she put this in a sworn
8 statement.

9 THE COURT: No. I'm telling you that is what
10 the records shows. No one is putting anything into a
11 sworn statement.

12 MS. SASSOWER: I reviewed the records and --

13 THE COURT: AS I said, you can disagree with
14 what I have said here today. I'm going to stay on the
15 bench for any additional applications. Okay.

16 MS. SASSOWER: Yes.

17 THE COURT: Okay go ahead.

18 MS. SASSOWER: You identified that you must
19 follow the decision and orders of each of the other
20 judges. Unless reversed, you are bound by those
21 decisions and, therefore, you are deferring, you said,
22 to the two decision orders of Judge Hansbury, October
23 11, 2007, and January 29, 2008.

24 I refer your attention respectfully to this
25