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FILED CITY COURT OF
WHITE PLAINS, N.Y.

BY HAND

2008 AUG 28 P 2:18

August 28, 2008

White Plains City Court Chief Clerk Patricia Lupi
77 Lexington Avenue
White Plains, New York 10601

RE: My August 22, 2008 Letter to You
John McFadden v. Doris L Sassower & Elena Sassower,
White Plains City Court #651/89 & “#2008-1474”
John McFadden v. Elena Sassower,
White Plains City Court #1502/07

Dear Chief Clerk Lupi,

I have as yet received no response from you to my hand-delivered August 22nd letter, which had requested that you fax me your response by today, with a copy to the Appellate Term's Chief Clerk, Paul Kenny. If it is not your intention to respond by the end of the day, please advise when your response will be forthcoming.

I take this opportunity to enclose two superseding pages of my August 22nd letter, correcting minor non-substantive errors on pages 4 and 7. I have, additionally, now underlined four sentences in the last paragraph on page 4 to highlight my request for your response thereto.

Also, I believe I inadvertently failed to include with my August 22nd letter to you a copy of my date and time-stamped August 7th letter to you, which is enclosed.

Thank you.

Very truly yours,


ELENA RUTH SASSOWER, *Pro Se*

Enclosures

cc: Paul Kenny, Chief Clerk, Appellate Term

copy” was “**MATERIALLY INCOMPLETE**” that my July 30th letter requested “access to the microfilm/microfiche of #651/89” as its first request. Your August 7th letter does not acknowledge this threshold request – which you implicitly deny in falsely purporting that:

“[I] have been afforded full and reasonable access to the complete court record on all matters requested...any court record(s) which [I] have requested, and which were previously reduced to microfilm, have been provided to [me] in its entirety...judicial resources and staffing simply cannot entertain repeated and duplicative requests for material previously reviewed by and/or provided to [me] by the Court.” (underlining added).

Your August 7th letter also fails to acknowledge the second request of my July 30th letter, namely, that you

“confirm, in writing, what you and Ms. Rodriguez...stated to me, including on July 21, 2008, *to wit*, that the Clerk’s Office has NO docket sheet for #651/89 – and also has NO docket sheets for the...related City Court proceedings [#434/88, #500/88, #504/88, #652/89]” (underlining and capitalization in the original).

Your August 7th letter simply ignores this request

Plainly, if you had a docket sheet for #651/89, you would have transmitted it to the Appellate Term with your “Clerk’s Return on Appeal” – which you did not do⁷. Without a docket sheet, you have no way of verifying “the complete court record” of #651/89 “in its entirety” and no basis to purport that you have afforded me access to same, when I have my own original of the file with which I am comparing your microfilmed/microfiched copies.

In this regard, your list of 16 “Papers Forwarded to Appellate Term” for #651/89 is completely worthless and does not conform with the documents in the Appellate Term file for #651/89, as transmitted by you. Only a single “Notice of Motion” is indicated by your list. Is it respondents’ April 24, 1989 dismissal motion? Is it petitioner’s November 25, 1991 summary judgment motion? Is it petitioner’s October 20, 1992 summary judgment motion? There are no opposition or responding affidavits listed pertaining to such unidentified motion, nor my father’s letter opposing the first summary judgment motion or his affirmation opposing the second. Nor is any correspondence listed.

⁷ You did transmit to the Appellate Term a page of handwritten notes of the case. Please advise whether such page – a copy of which is enclosed – was copied from microfilm/microfiche – and whether there is an additional page, as appears from the upper right edge.

- (6) my request for a copy of the docket sheet for “SP-2008-1474”;
- (7) my request that you advise as to your knowledge of the form notice of appearance, filled in by Leonard Sclafani, Esq., which he dated 6/30/08, identifying himself as “Attorney for: John McFadden” in an action he entitled “*John McFadden v. Elena Sassower John Doe*”, for which he furnished no index number;
- (8) my request that you advise as to the basis on which the Clerk’s Office placed Mr. Sclafani’s aforesaid notice of appearance in the file of #651/89 and why it bears no file and date stamp of the Clerk’s Office;
- (9) my request for a copy of the docket sheet of #1502/07;
- (10) my request that you “confirm that you have refused to provide me with the date of Judge Reap’s retirement and the names of the other White Plains City Court judges serving at that time and immediately thereafter”.

Finally, so that the Appellate Term has no misimpression from your August 7th letter as to the reality of the “access” afforded me by the White Plains City Court Clerk’s Office to review copies of what it purported to be the full microfilmed/microfiched files of #651/89, #434/88, #500/88, #504/88, #652/89 and the original file of #1502/07, the facts are as follows:

I reviewed same on two, possibly three, occasions in August 2007. Each of these visits was pre-scheduled to meet the convenience of the Clerk’s Office – and their purpose, known to the Court, was to enable me to properly draft my Affirmative Defenses and Counterclaims for my Answer in #1502/07, which I filed on August 20, 2007. Indeed, this is why the Clerk’s Office copied the files from microfilm/microfiche.

Not until nearly ten months later, on June 12, 2008, did I review the files again – at which time you berated me for seeking to review them. My review lasted no more than 20 minutes and our conversation on that date is recounted by the second of my June 13, 2008 letters to you. Your wilful and deliberate failure to respond to those June 13, 2008 letters, as likewise the wilful and deliberate failure of Judge Friia to respond to the copies of those letters I provided her under a June 24, 2008 letter, compelled me to bring my June 28, 2008 order to show cause to disqualify Judge Friia and transfer the proceeding to another court to ensure the appearance and actuality of impartial justice, which Judge Friia refused to sign.⁹

⁹ My June 28, 2008 order to show cause is annexed as Exhibit 1 to my July 8, 2008 order to show cause – which is in the possession of the Court, having been resubmitted by me with my July 9, 2008 letter to Judge Friia. Such was not among the “Papers” I found in the file at the Appellate Term.

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FILED CITY COURT OF
WHITE PLAINS, N.Y.

2008 AUG -7 A 11: 27

BY HAND

August 7, 2008

Patricia Lupi, Chief Clerk
White Plains City Court
77 Lexington Avenue
White Plains, New York 10601

RE: Request for File Access, Copies of the Docket Sheets,
& Other Information:
White Plains City Court Cases – Landlord/Tenant:
#651/89, #2008-1474, #434/88, #500/88, #504/88, #652/89

Dear Ms. Lupi,

I have received no response to my hand-delivered July 30, 2008 letter to you. This is all the more prejudicial as the “Request for File Access, Copies of the Docket Sheets, & Other Information” requested is needed for my stay pending appeal to the Appellate Term of Judge Friia’s July 21, 2008 judgment of eviction and warrant of removal. My order to show cause for such relief is returnable on August 13, 2008.

For your convenience, a copy of my unresponded-to July 30, 2008 letter is enclosed. Please immediately advise as to your response – preferably by fax so that I will receive it most expeditiously.

Thank you.

Very truly yours,


ELENA RUTH SASSOWER, *Pro Se*

Enclosure