

Elena Ruth Sassower

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White Plains, New York 10603

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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

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July 30, 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:
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2008 JUL 30 P 2
WHITE PLAINS CITY COURT OF
WHITE PLAINS, N.Y.

Dear Ms. Lupi,

This follows up our conversation together at the Clerk's Office on July 21, 2008 – at which time you refused to provide me with a copy of the judgment of eviction and warrant of removal that you told me Judge Friia had signed that day in the proceeding *John McFadden v. Doris L. Sassower and Elena Sassower*, #651/89. You also refused to give me any information as to how I could obtain a stay pending appeal from the Appellate Term – Judge Friia having refused to sign my order to show cause for a stay, which was before her when she instead signed the judgment of eviction and warrant of removal

On that day – now more than a week ago – I requested access to the microfilm/microfiche of #651/89. I told you that access was essential because the collection of papers that your assistant Jacqueline Rodriguez gave me and represented as a full copy of the microfilmed/microfiched file of #651/89 was MATERIALLY INCOMPLETE. Among the missing documents: respondents' December 17, 1991 responding affidavits opposing petitioner's November 21, 1991 motion for summary judgment.

Additionally, please confirm, in writing, what you and Ms. Rodriguez have 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 following related City Court proceedings involving the subject apartment, all of which I have previously requested, including when I spoke with you by phone on July 14, 2008:

- (1) *16 Lake Street Owners, Inc. v. John McFadden, George Sassower, and Elena Sassower*, #434/88;

- (2) *16 Lake Street Owners, Inc. v. John McFadden, George Sassower, and Elena Sassower, #500/88;*
- (3) *John McFadden v. Doris L. Sassower and Elena Sassower, #504/88;*
- (4) *John McFadden v. George Sassower, #652/89.*

Upon confirming that the Clerk's Office has NO docket sheets for any of these five cases, please state the reason and whether such comports with the Clerk's Office's duties, under law.

By this letter, I also request access to the microfilm/microfiche of the above four White Plains City Court proceedings. This is likewise essential. On June 30, 2008, Judge Friia asserted in open court that you had "ascertained that [#651/89] is the only other open case in this matter" (Tr. 29, Ins. 18-21); that she had asked you to undertake a "review of the files for the last 18 years (Tr. 34, Ins. 23-25) and that "the records of the White Plains City Court indicate" that the only open prior City Court proceeding is #651/89 (Tr. 35, Ins. 6-7) and that "All other files are closed" (Tr. 35, In. 3). Such is NOT consistent with what I found last August when I came to the Clerk's Office to review what Ms. Rodriguez purported to me to be the files of these cases, as copied by the Clerk's Office from the microfilm/microfiche. I found two open cases in addition to #651/89, these being #434/88 and #500/88. I have recently realized that #652/89 is a further open case.

Plainly, examination of the microfilm/microfiche of these cases should provide information as to their status. However, please additionally furnish me with such specific documents or entries in the "files" and "records" of White Plains City Court as led you to represent to Judge Friia that prior City court proceedings, except for #651/89, are closed and upon which she has relied, to my prejudice (Tr. 29-30, 34-35).

As you know, on July 21, 2008, when you arbitrarily limited me to ½ hour to review the copy of the microfilmed/microfiched files of the five prior City Court proceedings – from which, initially, Ms. Rodriguez had withheld #651/89 – I found two unfamiliar pages in the collection of papers she belatedly gave me as constituting the file of #651/89. At my request, you made me a copy of each – and I enclose a further copy of both pages to refresh your recollection.

The first page I found was a printed trial notice, dated May 30, 2008, for a proceeding having the same caption as #651/89, but docketed as "SP-2008-1474", with #651/89 penned in. In pertinent part, the notice states, "The Court has adjourned the above mentioned matter to June 30, 2008 at 10:00 AM (Part B) for ALL DAY TRIAL 651/89."

Upon my asking you about this document, you confirmed that "SP-2008-1474" was an additional docket number that you had assigned to #651/89. You refused to tell me when you had done this and you did not deny or dispute my immediate assertion that you would have had no reason to do

so unless #651/89 had been closed.

I believe you stated that Judge Friia had directed the new docket number. Please confirm that this is what you told me – or otherwise identify at whose instance docket number “SP-2008-1474” was assigned to #651/89, the date this was done, and the reason therefore. Please further identify what notice, if any, was given to the parties of this new docket number. Such should be reflected on the docket sheet for “SP-2008-1474” – a copy of which I request, as likewise I request access to the file of “SP-2008-1474” so that I may inspect its contents.

Please also advise as to your knowledge of the second page I found in the file of #651/89 and which you copied for me. Such is a form notice of appearance, filled in by Leonard Sclafani, Esq, which he dated “6/30/08”. He identified 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. On what basis then was this notice placed in the file of #651/89 and why does it bear no file and date stamp of the Clerk’s Office?

For purposes of completeness, I also reiterate my request for the docket sheet of #1502/07, *John McFadden v. Elena Sassower*. Additionally, I request access to the file of that proceeding, which – because it is recent and ongoing – is not on microfilm or microfiche.

Finally, please 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, as requested by my July 8, 2008 letter to you.

Thank you.

Very truly yours,



ELENA RUTH SASSOWER, *Pro Se*

Enclosures (2)

WHITE PLAINS CITY COURT
77 SOUTH LEXINGTON AVENUE

WHITE PLAINS, NEW YORK 10601

HON. JO ANN FRIIA, CITY JUDGE
HON. BARBARA A. LEAK, CITY JUDGE
PATRICIA LUPI, CHIEF CLERK

COURT HOURS: 8:30 - 4:30 PM
TELEPHONE: 914-824-5675
FAX: 914-422-6058

May 30, 2008

JOHN MCFADDEN

472 CLEARMEADOW DRIVE
EAST MEADOW, N.Y. 11554

DORIS L. SASSOWER

283 SOUNDVIEW AVENUE
WHITE PLAINS, N.Y. 10606

ELENA SASSOWER
16 LAKE STREET, APT. #2C
WHITE PLAINS, N.Y.

SP651/89

Docket #: SP-2008-1474

MCFADDEN

vs SASSOWER

SASSOWER

The Court has adjourned the above mentioned matter to
June 30, 2008 at 10:00 AM (Part B) for ALL DAY TRIAL 651/89.

All parties must be present and ready to proceed at that time. If
you have any questions, please call the Court and ask to speak to the
SUMMARY PROCEEDING clerk.

Thank you for your cooperation in this matter.

Very truly yours,



PATRICIA LUPI, CHIEF CLERK

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

John Mc Fadden

✓

Elena Sassower
John Doe

INDEX# _____

Type of Case	Please Check
Small/Commercial Claims	_____
Landlord/Tenant	_____
Civil	<input checked="" type="checkbox"/> _____
Traffic	_____
City Ordinance	_____

_____ vs _____

TO THE CLERK OF THE CITY COURT OF WHITE PLAINS:

You are hereby notified that I appear as the Attorney for:

John Mc Fadden
(Please Print)

In the above-entitled action.

Print Name Leonard A. Schata,
 Sign [Signature]
 Address 18 E 41st St. 15th Fl.
NY NY 10017
 Tel. # 212-696-9880

Dated: 9/30/08