

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

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JOHN McFADDEN,

Petitioner,

Index # SP 1502/07

Notice of Appeal

-against-

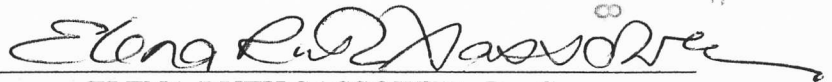
ELENA SASSOWER,

Respondent
----- x

PLEASE TAKE NOTICE that Respondent *Pro Se* ELENA SASSOWER hereby appeals to the Appellate Term of the Supreme Court, Second Judicial Department, 141 Livingston Street, Brooklyn, New York 11201 from the Decision & Order of White Plains City Court Judge Brian Hansbury, dated January 29, 2008, and filed in that Court on January 30, 2008, denying her the relief sought by the motion underlying her November 9, 2007 order to show cause.

Dated: White Plains, New York
August 14, 2008

Yours, etc.,



ELENA RUTH SASSOWER, *Pro Se*
16 Lake Street, Apartment 2C
White Plains, New York 10603
Tel: 914-949-2169

TO: LEONARD A. SCLAFANI, ESQ.
18 East 41st Street, Suite 1500
New York, New York 10017

2008 AUG 14 P 2:48
FILED CITY COURT OF
WHITE PLAINS, N.Y.

Present: HON. BRIAN HANSBURY
CITY COURT JUDGE

-----X
JOHN MCFADDEN,

Petitioner (Overtenant),

-against-

ELENA SASSOWER,

Respondent (Subtenant),
-----X

DECISION ON MOTION

TO COMMENCE THE
STATUTORY TIME PERIOD
FOR APPEALS AS OF RIGHT
(CPLR 5513[a]) YOU ARE
ADVISED TO SERVE A COPY
OF THIS ORDER, WITH NOTICE
OF ENTRY, UPON ALL PARTIES.

INDEX NO.: SP 1502/07
MOTION DATE: 11/16/07

The following papers numbered 1 to 9 read on this motion by respondent; cross-motion by petitioner.

Order to Show Cause	1
Affidavit of Elena Ruth Sassower	2
Exhibits	3
Respondent's Memorandum of Law	4
Notice of Cross-Motion	5
Affirmation of Leonard A. Sclafani	6
Exhibits	7
Reply Affidavit of Elena Ruth Sassower	8
Exhibits	9

Filed Papers: All papers on file.

2008 JUN 30 P 3:00
CLERK OF COURT OF
CITY OF ALBANY

Upon the foregoing papers, the Court finds and decides as follows:

Respondent's application for, among other things, reargument/renewal of a Decision and Order of this Court dated October 11, 2007 is granted. Upon reargument/renewal, the Court adheres to its original determination.

At the outset, the Court did review and consider respondent's answer with affirmative defenses/counterclaims in its original decision. Next, respondent's moving papers are supported by nothing more than conclusory and unsubstantiated assertions, falling short of the standards for a motion to reargue/renew, and offer no basis in fact or law for the disqualification of the undersigned Judge. The balance of respondent's motion is denied in its entirety.

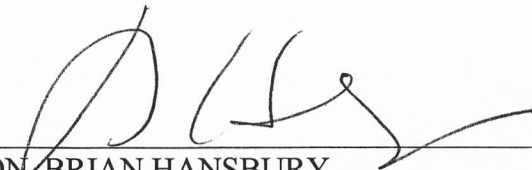
Petitioner's application for reargument is granted. Upon reargument, the Court adheres to its original determination. Contrary to counsel's assertion, the Court has carefully reviewed petitioner's prior motion and, simply stated, there is no affidavit from petitioner attesting to the contents of counsel's affirmation. The balance of petitioner's arguments are unpersuasive.

The proceedings shall remain consolidated.

The undersigned hereby recuses himself and directs the Clerk of the Court to assign this matter to another judge of the White Plains City Court.

THIS DECISION CONSTITUTES THE ORDER OF THE COURT

Dated: White Plains, New York
January 27, 2008



HON. BRIAN HANSBURY
CITY COURT JUDGE

TO: Leonard A. Sclafani, P.C.
Attorneys for Petitioner
By: Leonard A. Sclafani, Esq.
18 East 41st Street, 15th Floor
New York, New York 10017

Elena Sassower
Respondent Pro Se
16 Lake Street, Apartment 2C
White Plains, New York 10603

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

----- X

JOHN McFADDEN,

Petitioner,

Index # SP 1502/07

-against-

ELENA SASSOWER,

Respondent.

NOTICE OF APPEAL
of January 29, 2008 Decision & Order

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