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BY HAND

June 25, 2008

City Court Judge Jo Ann Friia
White Plains City Court
77 Lexington Avenue
White Plains, New York 10601

RE: Respecting the Appearance & Actuality of Fair & Impartial Justice
John McFadden v. Elena Sassower, White Plains City Court #SP-1502/07

Dear Judge Friia,

The attached corrects the page references for my entitlement, *as a matter of law*, to the second and third branches of my September 5, 2007 cross-motion for dismissal and summary judgment.

The correct page references are pages 7-18 of my moving affidavit in support of my November 9, 2007 order to show cause.

Apologies for any inconvenience.

Thank you.

Very truly yours,



ELENA RUTH SASSOWER, *Pro Se*

Enclosures

cc: Leonard Sclafani, Esq.

2008 JUN 25 A 9:05
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WHITE PLAINS, N.Y.

Exhibit TT

decision to voluntarily step down, such actions ordinarily need not be set aside. Such actions, however, may be reconsidered and possibly vacated or amended by a successor judge upon a proper motion." (pp. 656-657, footnotes omitted, underlining added).

Vacatur of both Judge Hansbury's October 11, 2007 and January 29, 2008 decisions is additionally compelled as his without-explanation recusal was in face of my November 9, 2007 order to show cause for his disqualification not only for actual bias, but for interest pursuant to Judiciary Law §14. As stated by my memo of law:

"It is long-settled that a judge disqualified by statute is without jurisdiction to act and the proceedings before him are void, *Oakley v. Aspinwall*, *supra*, 549, *Wilcox v. Arcanum*, 210 NY 370, 377 (1914), *Casterella v. Casterella*, 65 A.D.2d 614 (2nd Dept. 1978), 1A Carmody-Wait 2nd §3:94." (p. 3).

Upon vacatur of Judge Hansbury's aforesaid two decisions, be it for actual bias or interest, I am entitled to findings of fact and conclusions of law with respect to the second and third branches of my September 5, 2007 cross-motion for dismissal and summary judgment.² Such will establish the truth of what I stated to Judge Friia on November 16, 2007 – and reiterated by my November 26, 2007 affidavit, which was the last submission in the record of my November 9, 2007 order to show cause:

"...the only trial warranted herein is as to the amount of compensatory and punitive damages due me on my Counterclaims – since, *as a matter of law*, I am entitled to the granting of the second and third branch of my September 5, 2007 cross-motion: dismissal of the Petition and summary judgment on those Counterclaims." (§7, underlining and italics in the original).

If, as it appears, you did not assign this case to "another judge of White Plains City Court", as Judge Hansbury directed by his January 29, 2008 decision & order, please advise why and confirm that you will rescind your May 30, 2008 notice of trial and assign the case to "another judge of White Plains City Court" forthwith. Otherwise, please answer my questions on page two in boldfaced type – beginning with my request that you explain the meaning of Ms. Rodriguez' June 9th letter and furnish the name of the judge to whom you assigned the case pursuant to Judge Hansbury's January 29, 2008 decision & order and the date thereof.

² My entitlement, *as a matter of law*, to the second and third branches of my September 5, 2007 cross-motion for dismissal and summary judgment was particularized at pages 7-18 of my moving affidavit in support of my November 9, 2007 order to show cause.

2008 JUN 13 11:58 AM
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BY HAND

June 24, 2008

City Court Judge Jo Ann Friia
White Plains City Court
77 Lexington Avenue
White Plains, New York 10601

FILED CITY COURT OF
WHITE PLAINS, N.Y.
2008 JUN 25 A 9: 05

RE: Respecting the Appearance & Actuality of Fair & Impartial Justice
John McFadden v. Elena Sassower, White Plains City Court #SP-1502/07

Dear Judge Friia,

Are you aware of my two June 13, 2008 letters to City Court Clerk Patricia Lupi in the above-entitled matter that she improperly noticed for a June 30, 2008 trial before you? It is now 11 days since I hand-delivered these two letters to the Clerk's Office, without response from her, you, or anyone else.

Copies of these two unresponded-to June 13, 2008 letters are enclosed, for your convenience.¹ As you can see, I had requested that if Ms. Lupi did not vacate the trial notices she had sent, based on the facts and law recited by my letters, that she bring the letters to your attention so that you could exercise your authority both as trial judge and Chief Judge of White Plains City Court to strike the trial notices and make the further determinations warranted by the record, including transferring the case from White Plains City Court to ensure the appearance and actuality of impartial justice. I stated that I would otherwise have no choice but to bring an order to show cause, whose first relief would be for your disqualification and transfer of the case, and, if denied, for disclosure.

So that I may know how to proceed, please advise whether and when Ms. Lupi furnished you with my June 13, 2008 letters and what is your response.

A copy of this letter will be faxed to petitioner's counsel, Leonard Sclafani, Esq. I have received no response from him to my June 6 and June 13, 2008 letters to Ms. Lupi concerning her trial notices herein and assume the Court has likewise received none. Please confirm.

¹ Non-substantive, typographic errors and omissions have been corrected. Among the omissions: page references for my entitlement, *as a matter of law*, to the second and third branches of my September 5, 2007 cross-motion for dismissal and summary judgment. The page references are 7-18 of my moving affidavit in support of my November 9, 2007 order to show cause.

