



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

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ATTORNEY GENERAL

BARBARA D. UNDERWOOD
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October 14, 2010

Motion Clerk
Appellate Division, Second Department
45 Monroe Place
Brooklyn, NY 11201

Re: *McFadden v. Sassower*, Appellate Term Nos. 2008-1427-WC & 2009-148-WC

Dear Clerk:

Appellant Elena Sassower has moved for leave to appeal an order of the Appellate Term denying her motion to disqualify two of the judges on that court. The Attorney General's office is involved in this case only insofar as it represented nonparty respondent Patricia Lupi in the proceedings below. Because appellant's motion does not address any issue relating to Lupi, this office does not intend to respond to the motion. We reserve the right to participate at a later stage if this case proceeds.

Sincerely,

Benjamin N. Gutman
Deputy Solicitor General

cc: Elena Sassower
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