

SUPREME COURT OF THE STATE OF NEW YORK
APPELLATE TERM : 9th and 10th JUDICIAL DISTRICTS

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PRESENT : NICOLAI, P.J., MOLIA and IANNACCI, JJ.
-----X

JOHN McFADDEN,

Respondent,

-against-

FEB 10 2010

NO. 2008-1427 W C
2009-0148 W C

DORIS L. SASSOWER,

Tenant,

-and-

ELENA SASSOWER,

Appellant.
-----X

DECISION

The branch of the motion by appellant seeking the disqualification of Justice Molia is severed and referred to Justice Molia for determination.

Motion by appellant for an order determining "the issues presented as dispositive by appellant's prior motions," directing the issuance of a subpoena, awarding costs and imposing sanctions and for other relief denied.

Cross motion by respondent for an award of costs and the imposition of sanctions denied.

Nicolai, P.J., taking no part.

EX A-2

At a term of the Appellate Term of the Supreme Court
of the State of New York for the 9th & 10th Judicial Districts

FEB 19 2010

FRANCIS A. NICOLAI, P.J.
DENISE F. MOLIA
ANGELA G. IANNACCI, JJ.

DECEMBER 16, 2009 TERM
2008-01427 W C
2009-00148 W C

-----X
JOHN MCFADDEN,
Respondent,

-against-

Lower Court #
SP 651/89

DORIS L. SASSOWER,
Undertenant,

-and-

ELENA SASSOWER,
Appellant.
-----X

The above named appellant having appealed to this court from the **ORDERS** entered on **OCTOBER 14, 2008** and **JULY 3, 2008** and a **FINAL JUDGMENT and WARRANT** entered on **JULY 21, 2008** of the **CITY COURT, WHITE PLAINS, WESTCHESTER COUNTY** and the **APPELLANT** having moved this court by **notice of motion** returnable **JANUARY 20, 2010** for an **ORDER DETERMINATING "THE ISSUES AS DISPOSITIVE BY APPELLANT'S PRIOR MOTIONS," DIRECTING THE ISSUANCE OF A SUBPOENA, AWARDED COSTS AND IMPOSING SANCTIONS AND FOR OTHER RELIEF** and the **RESPONDENT** having cross moved this court for an **AWARD OF COSTS AND THE IMPOSITION OF SANCTIONS** and said motions having duly come on to be heard;

Now, on reading the papers filed in support of said motion and the papers filed in opposition thereto, and due deliberation having been had thereon, it is,

ORDERED that the branch of the motion by appellant seeking the disqualification of Justice Molia is severed and referred to Justice Molia for determination; and it is further,

ORDERED that the motion by appellant is denied; and it is further,

ORDERED that the cross motion is denied.

Nicolai, P.J., taking no part.


PAUL KENNY
CHIEF CLERK
Appellate Term