

SUPREME COURT OF THE STATE OF NEW YORK  
APPELLATE DIVISION: SECOND JUDICIAL DEPARTMENT

JOHN MCFADDEN,

-against-

DORIS SASSOWER,

ELENA SASSOWER,

Appellants.

JOHN MCFADDEN,

-against-

ELENA SASSOWER,

Appellant.

Appellate Term:  
#2008-1427-WC  
#2009-148-WC  
(White Plains City Court:  
#SP-651/89 & SP-1474-2008)

Appellate Term:  
#2008-1433-WC  
#2009-1428-WC  
(White Plains City Court:  
#SP-1502-07)

Leonard A. Sclafani hereby affirms under penalty of perjury as follows:

1. I am an attorney duly admitted to practice law before the Courts of the State of New York. I am a member of the firm of The Law Offices of Leonard A. Sclafani, P.C. As such, I am fully familiar with the facts and circumstances surrounding this matter and herein after set forth.

2. I submit this affirmation in opposition to the motion of appellant Elena Sassower for an order granting appellant "an appeal to this Court, by leave, if not by right, or alternatively, leave to appeal to the Court of Appeals, so as to afford appellate review of the Appellate Term's

leave to appeal to the Court of Appeals, so as to afford appellate review of the Appellate Term's July 8, 2010 decision & order", denying appellant's motion to disqualify Justices Molia and Iannacci, "referring the record of the above cases, including [appellant's instant motion] to authorities within the New York State judiciary charged with recommending, promulgating and amending rules, procedures and laws governing judicial disqualification"; "referring the record of the above cases, including [appellant's instant motion] to disciplinary and criminal authorities"; and granting other relief such as "disclosure", purportedly pursuant to §100.3F of the Chief Administrators Rules Governing Judicial Conduct".

3. It is respectfully submitted that appellant's motion is meritless and must be denied.
4. Appellant argues that her appeal is "as of right".
5. To the extent that it is, appellant's motion must be denied insofar as it seeks leave to appeal as leave to appeal would not be necessary.
6. To the extent that appellant would now attempt to appeal on the orders identified in her motion, the appeals would not be timely (a matter that will be discussed at the appropriate time, if ever).
7. To the extent that appellant requires leave to appeal the decision & order identified in her motion, appellant has failed to provide a reasonable and meritorious basis for grant of such leave.
8. Throughout more than 25 years of litigation between appellant and respondent leading up to appellant's instant motion, appellant has consistently sought to disqualify every Judge or Justice who ever had any involvement with any aspect of the various cases, from the

White Plains Civil Court to the Supreme Court of the United States (all 9 Justices), based upon unfounded claims of bias and/or judicial corruption.

9. Each such Judge and Justice, almost every lawyer involved in or presiding parties in the various litigations leading up to the instant motion, several Court clerks and even the United States Congress have been victims of claims and motions made by appellant that they be referred for disciplinary or criminal prosecution.

10. The entire manner in which appellant has litigated the various cases giving rise too to and leading up to and including the instant motion has been frivolous in the extreme.

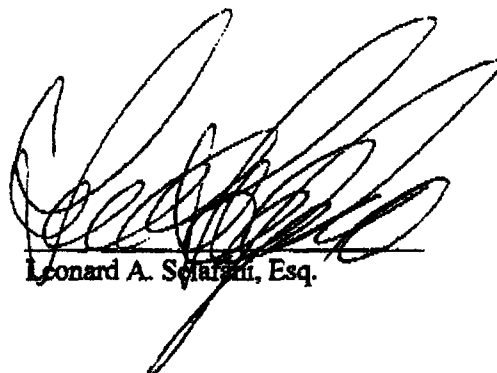
11. Such frivolous conduct led to an assessment of almost \$100,000 against appellant and her mother by the United States District Court for the Southern District of New York.

12. Appellant has provided no legitimate grounds to support her attempts before the Appellate Term to have either Justice Molia or Justice Iannacci disqualified.

13. She presents no legitimate reason why her motion for leave to appeal the decisions and orders denying her applications to disqualify these Justices should be granted.

WHEREFORE, the affirnant on behalf of John McFadden, respectfully requests that appellant's motion be denied in all respects and that Mr. McFadden be awarded such other and further relief as this Court deems just, proper and equitable.

Dated: October 21, 2010  
New York, New York



Leonard A. Sefarini, Esq.