

Elena Ruth Sassower

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BY FAX: (4 pages)

June 27, 2011

TO: Leonard Sclafani, Esq.

New York State Attorney General Eric Schneiderman
ATT: Deputy Solicitor General Benjamin N. Gutman
Fax: 212-416-8962

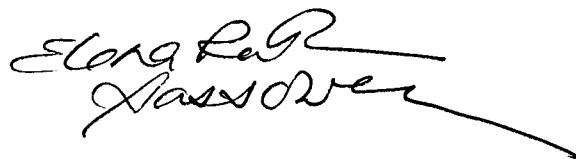
RE: Return Date on Reargument Motion in Appellate Division -- #2010-09890
John McFadden v. Doris L. Sassower & Elena Sassower
John McFadden v. Elena Sassower
Appellate Term #2008-1427-WC & #2009-148-WC
(White Plains City Court #SP-651/89; #SP-2008-1474
Appellate Term #2008-1433-WC & #2008-1428-WC
(White Plains City Court #SP-1502/07)

I have received no opposition to my June 14th reargument motion, hand-delivered to your offices on that date.

Please be advised that the return date on that reargument motion was changed by the Clerk's Office from Thursday, June 30, 2011 to Friday, July 1, 2011 – because return dates in the Appellate Division are on Fridays. Enclosed are corrected first and second pages of my notice of motion.

Additionally, the Clerk's Office inserted a copy of the Appellate Term's July 8, 2010 decision & order – the same as is Exhibit A-1 to my October 4, 2010 motion – to Exhibit C of my June 14th motion behind my appended Request for Appellate Division Intervention. A copy is enclosed.

Apologies for any inconvenience.



cc: Doris L. Sassower

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

----- x
JOHN McFADDEN,

-against-

DORIS L. SASSOWER,

ELENA SASSOWER,

Appellant.

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

-----x
-----x
**NOTICE OF MOTION
FOR REARGUMENT
#2010-09890**

JOHN McFADDEN,

-against-

ELENA SASSOWER,

Appellant.

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

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PLEASE TAKE NOTICE that upon the annexed affidavit of appellant *pro se* ELENA SASSOWER, sworn to on June 14, 2011, the exhibits annexed thereto, and upon all the papers and proceedings heretofore had herein, appellant ELENA SASSOWER will make a motion before the Appellate Division, Second Department at 45 Monroe Place, Brooklyn, New York 11201 on ~~June 30, 2011~~ ^{July 1, 2011} at 10:00 a.m., or as soon thereafter as the parties or their counsel may be heard, for an order granting reargument pursuant to CPLR §2221 of the Court's November 26, 2010 decision & order on motion so as to render a disposition responsive to the facts, law, and legal argument of appellant's October 4, 2010 motion:

- (1) for 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 July 8, 2010 decision & order, purportedly by Justices Denise F. Molia and Angela G. Iannacci, denying, without reasons and with no disclosure, appellant's April 25, 2010 motion for their disqualification and disclosure;

- (2) referring the record to authorities within the New York State judiciary charged with recommending, promulgating, and amending rules, procedures, and laws governing judicial disqualification, including the Chief Judge of the Court of Appeals, the Chief Administrative Judge, the Judicial Conference, the Administrative Board, the Judicial Institute, and the Judicial Institute on Professionalism in the Law – pursuant to §100.1 of the Chief Administrator's Rules Governing Judicial Conduct;
- (3) referring the record to disciplinary and criminal authorities based on the evidence of corruption presented by appellant's April 25, 2010 disqualification motion and reinforced by the Appellate Term's July 8, 2010 decision & order – pursuant to §100.3D of the Chief Administrator's Rules Governing Judicial Conduct;
- (4) granting such other and further relief as may be just and proper and, in particular, if the foregoing is denied, disclosure, pursuant to §100.3F of the Chief Administrator's Rules Governing Judicial Conduct, of facts bearing upon the fairness and impartiality of this Court's justices.

Pursuant to CPLR §2214(b), answering papers, if any, are required to be served at least seven days prior to the ~~June 30, 2011~~ ^{July 1, 2011} return date.

Dated: June 14, 2011
Bronx, New York

Yours, etc.



Elena Sassower, Appellant *Pro Se*
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TO: Leonard A. Sclafani, Esq.
Attorney for John McFadden
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(1)

**APPELLATE TERM OF THE SUPREME COURT
OF THE STATE OF NEW YORK FOR THE 9TH & 10TH JUDICIAL DISTRICTS**

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

JUL 08 2010

-----X
John McFadden, Respondent, v Doris L. Sassower,
Tenant, and Elena Sassower, Appellant.

DECISION & ORDER ON MOTION

Appellate Term Docket No.
2008-1427 W C

Lower Court # SP-651/89

-----X
John McFadden, Respondent, v Elena Sassower, Appellant.

Appellate Term Docket No.
2008-1428 W C

Lower Court # SP 1502/07

-----X
John McFadden, Respondent-Appellant, v Elena
Sassower, Appellant-Respondent.

Appellate Term Docket No.
2008-1433 W C

Lower Court # SP 1502/07

-----X
John McFadden, Respondent, v Doris L. Sassower,
Tenant and Elena Sassower, Appellant; Patricia Lupi,
Nonparty Respondent.

Appellate Term Docket No.
2009-148 W C

Lower Court # SP 651/89

-----X
Motions by appellant to disqualify Justice Iannacci and to vacate or, in the alternative, for
leave to reargue and/or renew orders of this court dated February 19, 2010 and February 23, 2010
or, in the alternative, for leave to appeal to the Appellate Division.

Upon the papers filed in support of the motion and the papers having been filed in
opposition thereto, it is,

ORDERED, on the court's own motion, that the motions by appellant are consolidated for
purposes of disposition; and it is further,

ORDERED that the motions by appellant are denied.

Nicolai, P.J., taking no part.

ENTER:


Paul Kenny
Chief Clerk

McFADDEN v SASSOWER