

**Supreme Court of the State of New York  
Appellate Division : Second Judicial Department**

**Form A - Request for Appellate Division Intervention - Civil**

See § 670.3 of the rules of this court for directions on the use of this form (22 NYCRR 670.3).

**Case Title:** Set forth the title of the case as it appears on the summons, notice of petition or order to show cause by which the matter was or is to be commenced, or as amended.

John McFadden  
against  
Doris C. SASSORNE  
Elena SASSORNE

#2008-1427-WC  
Clerk  
Patricia Cupi  
Non Party Respondent  
#2009-148-WC

John McFadden  
against  
Elena SASSORNE

#2008-1433-WC  
2008-1428-WC

<b>For Court of Original Instance</b>
Date Notice of Appeal Filed
<b>For Appellate Division</b>

<b>Case Type</b>	<input type="checkbox"/> CPLR article 78 Proceeding	<b>Filing Type</b>	<input type="checkbox"/> Transferred Proceeding
<input checked="" type="checkbox"/> Civil Action	<input type="checkbox"/> Special Proceeding Other	<input checked="" type="checkbox"/> Appeal	<input type="checkbox"/> CPLR 5704 Review
<input type="checkbox"/> CPLR article 75 Arbitration	<input type="checkbox"/> Habeas Corpus Proceeding	<input type="checkbox"/> Original Proceeding	
<b>Nature of Suit: Check up to five of the following categories which best reflect the nature of the case.</b>			
<b>A. Administrative Review</b>	<b>D. Domestic Relations</b>	<b>F. Prisoners</b>	<b>I. Torts</b>
<input type="checkbox"/> 1. Freedom of Information Law	<input type="checkbox"/> 1. Adoption	<input type="checkbox"/> 1. Discipline	<input type="checkbox"/> 1. Assault, Battery, False Imprisonment
<input type="checkbox"/> 2. Human Rights	<input type="checkbox"/> 2. Attorney's Fees	<input type="checkbox"/> 2. Jail Time Calculation	<input type="checkbox"/> 2. Conversion
<input type="checkbox"/> 3. Licenses	<input type="checkbox"/> 3. Children - Support	<input type="checkbox"/> 3. Parole	<input type="checkbox"/> 3. Detamation
<input type="checkbox"/> 4. Public Employment	<input type="checkbox"/> 4. Children - Custody/Visitation	<input type="checkbox"/> 4. Other	<input type="checkbox"/> 4. Fraud
<input type="checkbox"/> 5. Social Services	<input type="checkbox"/> 5. Children - Terminate Parental Rights	<b>G. Real Property</b>	<input type="checkbox"/> 5. Intentional Infliction of Emotional Distress
<input type="checkbox"/> 6. Other	<input type="checkbox"/> 6. Children - Abuse/Neglect	<input type="checkbox"/> 1. Condemnation	<input type="checkbox"/> 6. Interference with Contract
<b>B. Business &amp; Other Relationships</b>	<input type="checkbox"/> 7. Children - JD, PINS	<input type="checkbox"/> 2. Determine Title	<input type="checkbox"/> 7. Malicious Prosecution/Abuse of Process
<input type="checkbox"/> 1. Partnership/Joint Venture	<input type="checkbox"/> 8. Lucratable Distribution	<input type="checkbox"/> 3. Easements	<input type="checkbox"/> 8. Malpractice
<input type="checkbox"/> 2. Business	<input type="checkbox"/> 9. Exclusive Occupancy of Residence	<input type="checkbox"/> 4. Environmental	<input type="checkbox"/> 9. Negligence
<input type="checkbox"/> 3. Religious	<input type="checkbox"/> 10. Expert's Fees	<input type="checkbox"/> 5. Liens	<input type="checkbox"/> 10. Nuisance
<input type="checkbox"/> 4. Not-for-Profit	<input type="checkbox"/> 11. Maintenance/Alimony	<input type="checkbox"/> 6. Mortgages	<input type="checkbox"/> 11. Products Liability
<input type="checkbox"/> 5. Other	<input type="checkbox"/> 12. Marital Status	<input type="checkbox"/> 7. Partition	<input type="checkbox"/> 12. Strict Liability
<b>C. Contracts</b>	<input type="checkbox"/> 13. Paternity	<input type="checkbox"/> 8. Rent	<input type="checkbox"/> 13. Trespass and/or Waste
<input type="checkbox"/> 1. Brokerage	<input type="checkbox"/> 14. Spousal Support	<input type="checkbox"/> 9. Taxation	<input type="checkbox"/> 14. Other
<input type="checkbox"/> 2. Commercial Paper	<input type="checkbox"/> 15. Other	<input type="checkbox"/> 10. Zoning	
<input type="checkbox"/> 3. Construction	<b>E. Miscellaneous</b>	<input checked="" type="checkbox"/> 11. Other	
<input type="checkbox"/> 4. Employment	<input type="checkbox"/> 1. Constructive Trust	<b>H. Statutory</b>	<b>J. Wills &amp; Estates</b>
<input type="checkbox"/> 5. Insurance	<input type="checkbox"/> 2. Debtor & Creditor	<input type="checkbox"/> 1. City of Mount Vernon Charter §§ 120, 127-f, or 129	<input type="checkbox"/> 1. Accounting
<input checked="" type="checkbox"/> 6. Real Property	<input type="checkbox"/> 3. Declaratory Judgment	<input type="checkbox"/> 2. Eminent Domain Proceedure Law § 207	<input type="checkbox"/> 2. Discovery
<input type="checkbox"/> 7. Sales	<input type="checkbox"/> 4. Election Law	<input type="checkbox"/> 3. General Municipal Law § 712	<input type="checkbox"/> 3. Probate/Administration
<input type="checkbox"/> 8. Secured	<input type="checkbox"/> 5. Notice of Claim	<input type="checkbox"/> 4. Labor Law § 220	<input type="checkbox"/> 4. Trusts
<input type="checkbox"/> 9. Other	<input type="checkbox"/> 6. Other	<input type="checkbox"/> 5. Public Service Law §§ 128 or 170	<input type="checkbox"/> 5. Other
		<input type="checkbox"/> 6. Other	

Appeal

Paper Appealed From (check one only):

- Amended Decree
- Amended Judgment
- Amended Order
- Decision
- Decree
- Determination
- Finding
- Interlocutory Decree
- Interlocutory Judgment
- Judgment
- Order
- Order & Judgment
- Partial Decree
- Resettled Decree
- Resettled Judgment
- Resettled Order
- Ruling
- Other (specify)

Court: *Appellate Term - 9<sup>th</sup> & 10<sup>th</sup> Judicial Districts* County:

Dated: *July 8, 2010* Entered:

Judge (name in full): *Justices Denise F. Molia, Angela G. Cannacci* Index No.:

Stage:  Interlocutory  Final  Post-Final Trial:  Yes  No If Yes:  Jury  Non-Jury

Prior Unperfected Appeal Information

Are any unperfected appeals pending in this case?  Yes  No. If yes, do you intend to perfect the appeal or appeals covered by the annexed notice of appeal with the prior appeals?  Yes  No. Set forth the Appellate Division Cause Number(s) of any prior, pending, unperfected appeals:

Original Proceeding

Commenced by:  Order to Show Cause  Notice of Petition  Writ of Habeas Corpus Date Filed: *July 2007*

Statute authorizing commencement of proceeding in the Appellate Division:

Proceeding Transferred Pursuant to CPLR 7804(g)

Court: County:

Judge (name in full): Order of Transfer Date:

CPLR 5704 Review of Ex Parte Order

Court: County:

Judge (name in full): Dated:

Description of Appeal, Proceeding or Application and Statement of Issues

Description: If an appeal, briefly describe the paper appealed from. If the appeal is from an order, specify the relief requested and whether the motion was granted or denied. If an original proceeding commenced in this court or transferred pursuant to CPLR 7804(g), briefly describe the object of the proceeding. If an application under CPLR 5704, briefly describe the nature of the ex parte order to be reviewed.

*appeal from a July 8, 2010 decision + order of Appellate Term Justices Molia + Cannacci denying, without reasons, an April 25, 2010 motion for leave to appeal to this court + whose other relief was for their disqualification for demonstrated actual bias + interest, vacancy of their prior February 19 + 23, 2010 decision/orders, re lack of jurisdiction + fraud; redgment renewed*

Amount: If an appeal is from a money judgment, specify the amount awarded.

Issues: Specify the issues proposed to be raised on the appeal, proceeding, or application for CPLR 5704 review.

*The threshold issue is whether an appeal lies of right to this Court to renew the legal sufficiency of the April 25, 2010 motion to disqualify Justice Cannacci, as likewise the legal sufficiency of a January 2, 2010 motion to disqualify Justice Molia, embodied therein - both motions having been denied by the subject justices themselves without reasons and without →*

Issues Continued:

the disclosure, alternatively requested secondarily, this Court's duty — appellate + supervisory — to grant leave to appeal to the Court or alternatively to the Court of Appeals so as to afford appellate review not only of the legal sufficiency of the two motions to disqualify Justices Molia + Iannacci, but the legal sufficiency of two motions to disqualify City Court Judges Brian Thomsby + John Frii, dated Nov. 8/9, 2007 + July 18/21, 2008, where legal sufficiency was the threshold issue on the 4 appeals taken to the Appellate Term, but not adjudicated by Justices Molia + Iannacci, — as likewise all other <sup>issues</sup> raised by appellant except the.

Use Form B for Additional Appeal Information

Party Information

Instructions: Fill in the name of each party to the action or proceeding, one name per line. If this form is to be filed for an appeal, indicate the status of the party in the court of original instance and his, her, or its status in this court, if any. If this form is to be filed for a proceeding commenced in this court, fill in only the party's name and his, her, or its status in this court.

Examples of a party's original status include: plaintiff, defendant, petitioner, respondent, claimant, defendant third-party plaintiff, third-party defendant, and intervenor. Examples of a party's Appellate Division status include: appellant, respondent, appellant-respondent, respondent-appellant, petitioner, and intervenor.

No.	Party Name	Original Status	Appellate Division Status
1	John McFadden	petitioner	respondent #2008-1428 WC
2			respondent + class-appellant #2008-1433 WC
3			
4	Elena Saesore	respondent	appellant
5			
6	Doris C. Saesore	respondent	
7	White Plains City of Clerk	non-party	non-party #2009-148 WC
8	Patricia Lupi	respondent	respondent #2008-1423 WC
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### Attorney Information

**Instructions:** Fill in the names of the attorneys or firms of attorneys for the respective parties. If this form is to be filed with the notice of petition or order to show cause by which a special proceeding is to be commenced in the Appellate Division, only the name of the attorney for the petitioner need be provided. In the event that a litigant represents herself or himself, the box marked "Pro Se" must be checked and the appropriate information for that litigant must be supplied in the spaces provided.

Attorney/Firm Name: Elena Sarsower  
 Address: P.O. BOX 3002  
 City: Southampton State: NY Zip: 11969 Telephone No.: 416 220-7987  
 Attorney Type:  Retained  Assigned  Government  Pro Se  Pro Hac Vice  
 Party or Parties Represented (set forth party number(s) from table above or from Form C): 4

Attorney/Firm Name: Doris C Sarsower  
 Address: 283 SANDVIEW AVENUE  
 City: White Plains State: NY Zip: 10606 Telephone No.: 914 997-1677  
 Attorney Type:  Retained  Assigned  Government  Pro Se  Pro Hac Vice  
 Party or Parties Represented (set forth party number(s) from table above or from Form C): 6

Attorney/Firm Name: Conrad A. Salafani, Esq  
 Address: Two Wall Street, 5th floor  
 City: New York State: NY Zip: 10005 Telephone No.:  
 Attorney Type:  Retained  Assigned  Government  Pro Se  Pro Hac Vice  
 Party or Parties Represented (set forth party number(s) from table above or from Form C): 1

Attorney/Firm Name: NYS Attorney General  
 Address: 120 Broadway, 25th floor  
 City: New York State: NY Zip: 10271 Telephone No.:  
 Attorney Type:  Retained  Assigned  Government  Pro Se  Pro Hac Vice  
 Party or Parties Represented (set forth party number(s) from table above or from Form C): 8

Attorney/Firm Name:  
 Address:  
 City: State: Zip: Telephone No.:  
 Attorney Type:  Retained  Assigned  Government  Pro Se  Pro Hac Vice  
 Party or Parties Represented (set forth party number(s) from table above or from Form C):

Attorney/Firm Name:  
 Address:  
 City: State: Zip: Telephone No.:  
 Attorney Type:  Retained  Assigned  Government  Pro Se  Pro Hac Vice  
 Party or Parties Represented (set forth party number(s) from table above or from Form C):

**Use Form C for Additional Party and/or Attorney Information**

The use of this form is explained in § 670.3 of the rules of the Appellate Division, Second Department (22 NYCRR 670.3). If this form is to be filed for an appeal, place the required papers in the following order: (1) the Request for Appellate Division Intervention (Form A, this document), (2) any required Additional Appeal Information Forms (Form B), (3) any required Additional Party and Attorney Information Forms (Form C), (4) the notice of appeal or order granting leave to appeal, (5) a copy of the paper or papers from which the appeal or appeals covered in the notice of appeal or order granting leave to appeal is or are taken, and (6) a copy of the decision or decisions of the court of original instance, if any.