

SUPREME COURT OF THE STATE OF NEW YORK
APPELLATE TERM: NINTH & TENTH JUDICIAL DISTRICTS

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JOHN MCFADDEN

Index #2008-00148 W C

Respondent

-against-

Lower Court # SP 651/89

DORIS L. SASSOWER

**AFFIRMATION IN
OPPOSITION**

Tenant

-and-

ELENA SASSOWER

Appellant

PATRICIA LUPI

Non-party Respondent

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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., attorneys for John McFadden in the above captioned matter. As such, I am fully familiar with the facts surrounding this matter and hereinafter set forth.

2. I submit this affirmation in opposition to the motion of Elena Sassower "To Disqualify Justice Angela G. Iannacci, To Vacate For Lack Of Jurisdiction & Fraud, Reargument/Renewal, Leave to Appeal, & Other Relief".

3. With respect to that branch of Sassower's motion as seeks disqualification of Justice Angela G. Iannacci, this frivolous motion is consistent with Sassower's bad faith, frivolous litigation tactics throughout the course of this brutal litigation extending over twenty years.

4. Justice Iannacci can take comfort in the fact that she has now been added to the ranks of every single judge, justice or jurist, (to say nothing of court clerks and court attorneys) city, state or federal, in courts of original jurisdiction, limited jurisdiction or appellate jurisdiction, who have had any connection whatsoever with any application, motion, ruling or judgment, interlocutory or final, brought by, or against Sassower and who subsequently have faced charges leveled by Sassower of bias, ignorance, malfeasance and/or misfeasance, and/or who have been the subjects of applications of Sassower for sanctions, criminal prosecution and/or disqualification.

5. There is no basis for Sassower's motion insofar as it seeks disqualification of Justice Iannacci; the Court must deny the motion. No doubt, if it is not Justice Iannacci herself who denies the motion, the justice who does so will also soon face retribution from Sassower.

6. With respect to the branch of Sassower's motion as seeks relief from the decision and order of this Court which reversed the judgment of the City Court against her in City Court #SP-651/89, for reasons other than Ms. Sassower has articulated, Mr. McFadden asserts that the reargument of the Court's decision on the appeal in that case should be granted. Mr. McFadden further asserts that, on reconsideration, the Court should reinstate the

judgment against Sassower from which she appealed.

7. Mr. McFadden did not allow the case “to languish” as the Court found . As above noted, he made no less than three applications to the Court requesting that it grant him judgment.

8. While promising to do so, the Court did nothing but sit on its hands and refuse to decide the motions on their merits. No doubt it did so for fear of retribution from Sassower.

9. It is respectfully submitted that it was erroneous for the Court to lay blame for the lack of activity of this case on Mr. McFadden or to allow the delay of the City Court in properly resolving the matters that he brought before that Court by due motions to work to his prejudice.

10. With respect to the remainder of Sassower’s motion, it seeks nothing but to rehash the same baseless, frivolous arguments as were already addressed on the appeals herein.

11. Such is not a proper ground for reargument or reconsideration.

WHEREFORE, your affirmant demands that Sassower’s motion seeking disqualification of Justice Iannacci, be denied, that Sassower be sanctioned and enjoined from further frivolous conduct as she has engaged, that the Court grant Sassower’s motion

