

rec'd 12/1/08

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

HON. EDWARD G. McCABE, J.P.
HON. MELVYN TANENBAUM
HON. DENISE F. MOLIA, JJ.

NOV 26 2008
2008-01427 W C

-----X
JOHN MCFADDEN,
Respondent
-against-
DORIS L. SASSOWER,
Respondent,
-and-
ELENA SASSOWER,
Appellant.
-----X

Lower Court #
SP-651/89

The above named appellant having appealed to this court from a **JUDGMENT** of the **CITY COURT, WHITE PLAINS, WESTCHESTER COUNTY** entered on **JULY 21, 2008**, and the **RESPONDENT** having moved this court by **notice of motion** returnable **OCTOBER 24, 2008** to **VACATE THE STAY CONTAINED IN ORDER OF THIS COURT DATED OCTOBER 1, 2008** and the **APPELLANT** having moved to this court by **order to show cause** for, **INTER ALIA, LEAVE TO REARGUE AND RENEW PORTIONS OF THIS COURT'S ORDER DATED OCTOBER 1, 2008 AND FOR OTHER RELIEF** and said motion 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 on the court's own motion, the motion by landlord-respondent and motion by tenant-appellant Elena Sassower are consolidated for purposes of disposition; and it is further,

ORDERED that the motion by landlord-respondent to vacate stay is granted; and it is further;

ORDERED that the motion by tenant-appellant Elena Sassower to "stay" this court's direction conditioning the prior grant of her motion for a stay on her payment of use and occupancy, for leave to reargue and renew her prior motion, and for other relief is denied in its entirety.

HON. EDWARD G. McCABE
JUSTICE PRESIDING
Appellate Term

SH-2