

**Elena Ruth Sassower**

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Fax (914) 428-4994

BY FAX: 718-643-7889 (1 page)

October 24, 2008

TO: David Ryan, Senior Court Clerk/Appellate Term

RE: My Order to Show Cause for Reargument/Renewal & Other Relief,  
Presently Returnable October 31, 2008

*McFadden v. Doris L. Sassower & Elena Sassower*

Appellate Term #1427 WC

White Plains City Court #SP-651/89 (SP-2008-1474)

As discussed, inadvertently omitted from my October 15, 2008 order to show cause for reargument/renewal & other relief, signed by Justice Denise Molia and made returnable by her on Friday, October 31, 2008, is any provision for Mr. Sclafani to provide me with opposing papers by overnight mail so as to enable me to receive them before the return date – and to reply thereto.

If such provision cannot now be inserted – and Mr. Sclafani so-advised thereof – I would appreciate if the return date of my order to show cause could be extend to Monday, November 3, 2008, so that I might reply to Mr. Sclafani's anticipated opposition. Such would, additionally, enable me to inform the Appellate Term of Judge Friia's October 14, 2008 decision & order denying my motion to compel White Plains City Court Clerk Lupi to furnish the Appellate Term with proper "Clerk's Returns on Appeal"<sup>1</sup> – thereby reinforcing the necessity that the Appellate Term grant the comparable relief in my instant order to show cause.

Thank you.



cc: Leonard Sclafani, Esq.  
(By Fax: 212-949-6310)

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<sup>1</sup> The pendency of such motion was identified at ¶30 of my October 15, 2008 moving affidavit, which identified that if it were denied, I would be appealing therefrom. On October 20, 2008, I filed my notice of appeal in the White Plains City Court – a copy of which I showed you yesterday.

ESM

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