



APPELLATE TERM  
SUPREME COURT OF THE STATE OF NEW YORK  
2<sup>ND</sup>, 11<sup>TH</sup> & 13<sup>TH</sup> AND 9<sup>TH</sup> & 10<sup>TH</sup> JUDICIAL DISTRICTS

PAUL KENNY  
CHIEF CLERK

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February 5, 2009

Ms. Elena Sassower  
c/o Karmel  
25 East 86<sup>th</sup> Street  
New York, New York 10028

Re: **McFADDEN v SASSOWER**  
Appellate Term Docket Nos. **2008-1427WC & 2009-148WC**

Dear Ms. Sassower:

I have discussed the request, as contained in your letter of January 5, 2009 to "consolidate" the two above-referenced appeals, with the Associate Justice on duty. While an application for consolidation would require a formal motion on notice and results in the two appeals being consolidated into one Appellate Term docket number, I clarified with you that you are instead requesting permission to file one brief for the two appeals.

After consulting with the Judge, your request to file one brief to cover both appeals is granted. As I advised, the caption on the brief should clearly reference both docket numbers. If you have any questions, please call the clerk's office.

Very truly yours,

A handwritten signature in black ink that reads "Paul Kenny".

Paul Kenny

cc: Leonard A. Sclafani, Esq.

EX A-3