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April 14, 2009

Appellate Term Chief Clerk Paul Kenny
141 Livingston Street, 15th Floor
Brooklyn, New York 11201-5079

RE: Status of My March 13, 2008 Letter to You
Settlement of Transcript of November 16, 2007 – #SP-1502/07

Dear Mr. Kenny,

I have spoken today with Appellate Term Senior Court Clerk Julio Mejia, who you assigned the task of locating the two documents that my March 13th letter identified (at p. 4) as “**dispositive** of my appeal in #2008-1427-WC – as likewise of my other three appeals”. These are:

(1) the original of my July 18, 2008 order to show cause in #SP-651/89, with its 60-page moving affidavit and annexed exhibits, which Judge Friia denied on July 21, 2008 by a handwritten notation on the first page of the order to show cause. Mr. Mejia stated that this original will be moved from the Appellate Term file for #SP-651/89 to the lower court record of #SP-651/89, containing the Clerk’s Return on Appeal for #2008-1427-WC.

(2) the stenographic transcript of the June 30, 2008 court proceeding before Judge Friia, included in the Clerk’s Return on Appeal for #SP-1502/07, but which had been missing. Mr. Mejia stated that this has been located and will be placed back in the Clerk’s Return on Appeal for #SP-1502/07, consisting of the lower court record therein.

Mr. Mejia has also confirmed – on your behalf – that my observations at pages 4-5 of my March 13th letter as to the various decisions & orders, etc. in the Clerk’s Returns on Appeals are correct:

(1) Judge Friia’s July 3, 2008 decision & order is not “entered”;

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- (2) Judge Friia's July 21, 2008 warrant of removal is not "entered" – and there is no original in the Clerk's Return;
- (3) Judge Friia's October 14, 2008 decision & order is not "entered" – and there is no original in the Clerk's Return;
- (4) Judge Hansbury's October 11, 2007 decision & order is not "entered";
- (5) Judge Hansbury's January 29, 2008 decision & order is not "entered".

Only Judge Friia's July 21, 2008 judgment of eviction is "entered" – and that was not done until October 23, 2008 when, in response to the Appellate Term's notification to the White Plains City Court Clerk's Office that the unentered judgment was unacceptable, the White Plains City Court Clerk's Office faxed the judgment with a handwritten "entry" to the Appellate Term, backdated to July 21, 2008. The Appellate Term has only the fax of this handwritten, backdated July 21, 2008 "entry" of the judgment of eviction. There is no original. Nor is there an original of the unentered July 21, 2008 judgment of eviction.

With respect to the deficiencies of the Clerk's Return on Appeal for Judge Friia's October 14, 2008 decision & order (#2009-148-WC), summarized at pages 1-2 of my March 13th letter, my understanding from you and Mr. Mejia is that the Appellate Term Clerk's Office does not recognize any obligation to correct these deficiencies. Rather, the burden is on me to secure a proper Clerk's Return on Appeal for #2009-148-WC by bringing a motion either before the Appellate Term or the White Plains City Court.

Based on Judge Friia's October 14, 2008 decision & order disposing of my September 18, 2008 motion to secure proper Clerk's Returns on Appeals for #2008-1427-WC, #2008-1433-WC, and #2008-1428-WC, it is pointless for me to bring a comparable motion in White Plains City Court to secure a proper Clerk's Return on Appeal for #2009-148-WC. Therefore, I will proceed by motion before the Appellate Term for correction of the deficiencies in the Clerk's Return on Appeal for #2009-148-WC.

Finally, as discussed with you and Mr. Mejia, I have secured a stenographic transcription of the November 16, 2007 court proceeding before Judge Friia in #SP-1502/07. The stenographer will send the original transcript to the White Plains City Court, together with the CD from which she made the transcription. I will make a motion in White Plains City Court for the transcript to be "settled" so that the White Plains City Court may then forward it to the Appellate Term. You and Mr. Mejia stated that this was necessary even though no other transcript has been "settled", including that of June 30, 2008.

As this letter will be an exhibit to my appellant's brief for #2008-1427-WC and #2009-148-WC, to be filed this Friday, April 17th, please advise if any of the foregoing is incorrect.

Thank you.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Elena Ruth Sassower', with a long, sweeping flourish extending to the right.

ELENA RUTH SASSOWER, *Pro Se*

cc: Julio Mejia, Appellate Term Senior Court Clerk
Leonard Sclafani, Esq. [212-949-6310]