

CITY COURT OF THE CITY OF WHITE PLAINS
COUNTY OF WESTCHESTER

FILED CITY COURT OF
WHITE PLAINS, N.Y.

JOHN MCFADDEN

Petitioner

Index #SP 651/89

2009 JUL 11 A 10:12

JUDGMENT-HOLDOVER

472 Clearmeadow Drive
East Meadow, New York 11554

Judgment Rendered
in Favor of Petitioner
Residing at
472 Clearmeadow Drive
East Meadow, NY 11554

-against-

DORIS L. SASSOWER

Respondent

283 Soundview Avenue
White Plains, NY 10606

and

ELENA SASSOWER

Respondent

16 Lake Street, Apt 2C
White Plains, NY 10603

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Petitioner having duly commenced this summary holdover proceeding on April 4, 1989 by service of the Notice of Petition and Petition filed herein upon the above-captioned respondents; and respondents having filed a motion with this Court seeking various forms of relief including dismissal of the proceedings based upon lack of subject matter jurisdiction and inadequate notice; and, by Decision and Order entered on September 18, 1989, this Court denied respondents' said motion; and petitioner having served and filed a motion for summary judgment herein on November 25, 1991; and, by Decision and Order dated December 19, 1991, this Court reserved decision on the said motion pending a determination by the United States Court of Appeals for the Second Circuit of an appeal that had been filed by respondents of decisions of the United States District for the Southern District of New York that denied respondents' motion for a new trial and granted sanctions against respondents for frivolous conduct in commencing and maintaining an action against the Board of Directors of the cooperative corporation that owns the premises the subject of the above captioned proceeding and the

building in which it was situated in which respondents alleged housing discrimination, a violation of New York Executive Law, estoppel and damages for severe emotional distress and also pending receipt by this Court of notification of the outcome of respondents' appeal; and the United States District Court for the Second Circuit having denied respondents' appeal and having affirmed the decisions of the United States District Court appealed from (except that, as to respondent Elena Sassower, the Court vacated the imposition of sanctions solely on the ground of said respondents' impoverished condition) and this Court having been notified of the said decision of the United States Court of Appeals on July 9, 2007, thereby rendering petitioner's pending motion for summary judgment ripe for adjudication in accordance with the above described December 19, 1991 Decision and Order of this Court; and this Court having now considered petitioner's motion for summary judgment *de novo* and, by Decision and Order entered herein on July 3, 2008, having granted petitioner's said motion;

NOW, on motion of petitioner, through his attorneys, Leonard A. Sclafani, P.C. in person, it is

ADJUDGED, that the possession of the premises described in the petition herein, to wit, Unit 2C in the building known as 16 Lake Street, White Plains, New York, be awarded to the petitioner-landlord with \$55.00 costs of this proceeding, and it further

ADJUDGED, that a warrant of eviction issue, such issuance to be stayed to and including the 31st day of July, 2008

Dated: July 21, 2008

Enter


JoAnn Friia, Judge