

Present: HON. BRIAN HANSBURY  
CITY COURT JUDGE

-----X  
JOHN MCFADDEN,

Petitioner (Overtenant),

-against-

ELENA SASSOWER,

Respondent (Subtenant),  
-----X

**DECISION ON MOTION**

TO COMMENCE THE  
STATUTORY TIME PERIOD  
FOR APPEALS AS OF RIGHT  
(CPLR 5513[a]) YOU ARE  
ADVISED TO SERVE A COPY  
OF THIS ORDER, WITH NOTICE  
OF ENTRY, UPON ALL PARTIES.

INDEX NO.: SP 1502/07  
MOTION DATE: 11/16/07

The following papers numbered 1 to 9 read on this motion by respondent; cross-motion by petitioner.

Order to Show Cause	1
Affidavit of Elena Ruth Sassower	2
Exhibits	3
Respondent's Memorandum of Law	4
Notice of Cross-Motion	5
Affirmation of Leonard A. Sclafani	6
Exhibits	7
Reply Affidavit of Elena Ruth Sassower	8
Exhibits	9
Filed Papers: All papers on file.	

NOV 20 11 30 AM '07  
CITY COURT  
CLERK

Upon the foregoing papers, the Court finds and decides as follows:

Respondent's application for, among other things, reargument/renewal of a Decision and Order of this Court dated October 11, 2007 is granted. Upon reargument/renewal, the Court adheres to its original determination.

*EX K-2*

At the outset, the Court did review and consider respondent's answer with affirmative defenses/counterclaims in its original decision. Next, respondent's moving papers are supported by nothing more than conclusory and unsubstantiated assertions, falling short of the standards for a motion to reargue/renew, and offer no basis in fact or law for the disqualification of the undersigned Judge. The balance of respondent's motion is denied in its entirety.

Petitioner's application for reargument is granted. Upon reargument, the Court adheres to its original determination. Contrary to counsel's assertion, the Court has carefully reviewed petitioner's prior motion and, simply stated, there is no affidavit from petitioner attesting to the contents of counsel's affirmation. The balance of petitioner's arguments are unpersuasive.

The proceedings shall remain consolidated.

The undersigned hereby recuses himself and directs the Clerk of the Court to assign this matter to another judge of the White Plains City Court.

**THIS DECISION CONSTITUTES THE ORDER OF THE COURT**

Dated: White Plains, New York  
January 29, 2008



HON. BRIAN HANSBURY  
CITY COURT JUDGE

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