

**Elena Ruth Sassower**

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April 8, 2009

Amy C. Karp, Records Access Officer/Assistant Counsel  
Office of New York State Attorney General Andrew M. Cuomo  
The Capitol  
Albany, New York 12224-0341

RE: F.O.I.L. Request #08991  
& Unacknowledged & Unresponded-to November 5, 2008 F.O.I.L. Request  
John McFadden v. Doris L. Sassower & Elena Sassower  
White Plains City Court #SP-651/89 (“SP-2008-1474”)

Dear Ms. Karp:

Thank you for your prompt follow-up to our phone conversation yesterday by your April 7, 2009 letter confirming that upon reopening my September 26, 2008 F.O.I.L. request you determined that the single document furnished by your October 28, 2008 letter was “the only document in the possession of the Office of the Attorney General” responsive thereto. That document was a September 24, 2008 letter from Clerk Lupi to Judith McCarthy, head of the Attorney General’s Westchester Regional Office, requesting representation in the above-entitled case.

In other words – and based on my November 5, 2008 letter, asking you to re-open my September 26, 2008 F.O.I.L. request – the Attorney General has no documents reflecting its approval of Clerk Lupi’s request for representation and none

“establishing that the Attorney General made the predicate determination that Clerk Lupi’s requested representation was ‘in the interest of the state’, as Executive Law §63.1 expressly requires, or that the Attorney General’s representation of Ms. Lupi fell within some other statutory provision.”

As for the further F.O.I.L. request initiated by my November 5, 2008 letter, your April 7, 2009 letter ignores it. Such had requested “any and all publicly-available records pertaining to the Attorney General’s review and determination of my September 29, 2008 letter [to Ms. McCarthy]”,

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“wherein I invoked Executive Law §63.1 to not only challenge the legitimacy of the Attorney General’s representation of Clerk Lupi, but to support my own request for the Attorney General’s representation &/or intervention ‘in ensuring the integrity of court records and the proper functioning of the White Plains City Court Clerk’s Office’”.

As I stated to you yesterday, I have received no acknowledgment of this F.O.I.L. request – *to wit*, assignment of a number to it – and no substantive response.

Consequently, I reiterate such F.O.I.L request, contained in my November 5, 2008 letter. Inasmuch as your April 7, 2009 letter makes no mention of the November 5, 2008 letter, a copy is enclosed for your convenience.

Your expeditious response, by e-mail, would be greatly appreciated.

Thank you.

Very truly yours,

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

ELENA RUTH SASSOWER

Enclosure