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May 26, 2009

Appellate Term
Supreme Court of the State of New York
For the 9th and 10th Judicial Districts
141 Livingston Street, 15th Floor
Brooklyn, New York 11201-5078

Attention: Xio Mara

RE: McFadden v. Elena Sassower Index No. 2008-1427 WC and McFadden v.
Doris Sassower and Elena Sassower
Index Nos. 2008-1427 WC and 2009-148 WC

Your Honor:

I am writing as counsel for John McFadden, the petitioner in the summary holdover proceedings in the White Plains City Court under Index Nos. SP-651/89. Elena Sassower has appealed to this Court under Index #2008-1427 WC from a judgment of possession rendered against her and in favor of Mr. McFadden in that special proceeding. She has also appealed under Index #2009-148 WC from a decision of the White Plains City Court that denied her post judgment motion seeking, inter alia, relief against the Clerk of that court. Upon her application, the Appellate Term authorized the filing of only one brief on her two appeals. (See annexed letter of Chief Clerk Kenny)

By this letter, I respectfully request, on behalf of Mr. McFadden, that Mr. McFadden also be permitted to file one brief on the two appeals and that Mr. McFadden's time to file his brief in the two appeals be extended to a date in early July, 2009. Ms. Sassower's brief and the two volumes of exhibits which accompanied it are both lengthy and extremely difficult to digest let alone respond. At the same time, my litigation schedule will not accommodate an earlier date to file respondent's brief without hardship.

Please accept my appreciation and the appreciation of Mr. McFadden for such consideration as the Court may give this matter.

Very truly yours,


Leonard A. Solofano

cc: New York State Attorney General Andrew Cuomo
ATT: Assistant Solicitor General Diana R. H. Winters
120 Broadway #4
New York, New York 10271

Elena Sassower
c/o Karmel
25 East 86th Street
New York, New York 10028

Doris L. Sassower
283 Soundview Avenue
White Plains, New York 10606



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

PAUL KENNY
CHIEF CLERK

141 LIVINGSTON STREET
BROOKLYN, N.Y. 11201
(347) 401-9580

February 5, 2009

Ms. Elena Sassower
c/o Karmel
25 East 86th 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,


Paul Kenny

cc: Leonard A. Scalfani, Esq.