

Elena Ruth Sassower

16 Lake Street, Apartment 2C
White Plains, New York 10603

E-Mail: elenaruth@aol.com

Tel. (646) 220-7987

BY FAX: 718-643-7889 (3 pages)

BY MAIL

June 23, 2009

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

RE: Request for Superseding Order Enlarging Appellant's Time for Reply Brief
John McFadden v. Doris L. Sassower and Elena Sassower
Appellate Term: #2008-1427-WC; #2009-148-WC
[White Plains City Court: #SP-651/89, #SP-2008-1474]

Dear Mr. Kenny,

This follows up my phone conversation with Appellate Term Senior Court Clerk Julio Mejia on Friday, June 19th, in which he told me, in response to my question as to whether there had been any decision on my May 26th letter to you for a ten-day enlargement of time to file my reply brief to the Attorney General's non-party brief in my above appeals, that you had issued an order on June 5th giving me ten days from that date.

This is the first notice I had of your June 5th order – and I so-stated this to Mr. Mejia. I told him that not only had I not received the order in the mail, but that a full week earlier, on Friday, June 13th, I had called up the Clerk's Office to inquire as to whether there had been any decision on my May 26th letter for an enlargement and, in his absence, spoke with Jacqueline who told me no order had been issued. Indeed, it appears that as of Friday, June 19th, your June 5th order enlarging my time had not been entered on the Appellate Term's computerized docket, as Mr. Mejia required at least ten, if not fifteen, minutes, during which time I was "on hold", to ascertain that an order had been issued.

As my ten-day enlargement had already expired before I even had notice of your June 5th order – which was only by my June 19th telephone call – Mr. Mejia stated that I should write you to request a further order enlarging my time. This is what I am now doing by this letter.

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APPELLATE TERM OF THE SUPREME COURT
OF THE STATE OF NEW YORK FOR THE 9TH & 10TH JUDICIAL DISTRICTS

JUN 29 2009

ORDER ON APPLICATION

-----X
John Mcfadden, respondent, v Doris L. Sassower,
respondent.

Appellate Term Docket No.
2008-01427 W C

Lower Court Index # SP-651/89
-----X

Application by the appellant pursuant to 22 NYCRR 732.8 to enlarge the time to file a
appellant's reply brief from an order of the City Court, White Plains, Westchester County entered
July 3, 2008.

ORDERED that the application is granted and the appellant's reply brief shall be served
and filed within 7 days from the date of this order.

ENTER:



Paul Kenny
Chief Clerk

JOHN MCFADDEN v DORIS L. SASSOWER

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