

CITY COURT OF THE CITY OF WHITE PLAINS  
STATE OF NEW YORK: COUNTY OF WESTCHESTER

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JOHN McFADDEN,

Petitioner (Overtenant),

Index #SP1502/07

**ORDER TO SHOW CAUSE FOR  
STAY OF TRIAL, Disqualification/  
Transfer/Disclosure, Vacatur,  
Reargument/Renewal, Findings, &  
Other Relief**

-against-

ELENA SASSOWER,

Respondent (Subtenant)  
16 Lake Street – Apt. 2C  
White Plains, New York

10:50 AM Denied  
The matter is  
scheduled for  
Proceeding  
on Monday  
The 30,000  
@ 9:30 AM  
(Part B) -  
The subject.  
The subject.  
on the record  
at that time  
June 27, 2008  
Jo Ann Friaa

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Upon the annexed affidavit of the respondent *pro se* ELENA SASSOWER, duly sworn to on June 27, 2008, the exhibits annexed thereto, and upon all the papers and proceedings heretofore had,

LET petitioner JOHN McFADDEN show cause before this Court at the White Plains City Courthouse at 77 South Lexington Avenue, White Plains, New York 10601, on the 30<sup>th</sup> day of June, 2008 at 9:30 a.m., or as soon thereafter as the parties or their counsel can be heard, why an order should not be granted staying trial of the above-entitled proceeding, presently scheduled for June 30, 2008, pending determination of respondent's within motion:

(a) to disqualify White Plains City Court Judge Jo Ann Friaa for demonstrated actual bias and interest pursuant to §100.3E of the Chief Administrator's Rules Governing Judicial Conduct and Judiciary Law §14 and to transfer this proceeding to another Court to ensure the appearance and actuality of impartial justice – and, if denied, for disclosure pursuant to

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§100.3F of the Chief Administrator's Rules Governing Judicial Conduct of facts bearing on her impartiality and that of the White Plains City Court Clerk's Office;

(b) to vacate the January 29, 2008 and October 11, 2007 decisions & orders of White Plains City Court Judge Brian Hansbury based on his recusal, arising from the record of respondent's November 9, 2007 order to show cause;

(c) to grant reargument and renewal of the January 29, 2008 decision & order pursuant to CPLR §2221 and vacating its denial of the substantive relief sought by respondent's November 9, 2007 order to show cause;

(d) for findings of fact and conclusions of law as to respondent's entitlement to dismissal of the Petition and summary judgment on her Counterclaims, based on the record of her September 5, 2007 cross-motion and November 9, 2007 order to show cause; and

(e) for such other and further relief as may be just and proper.

Alternatively, if all the foregoing relief is denied, for a stay pending determination of respondent's appeal thereof – and of Judge Hansbury's January 29, 2008 decision & order – to the Appellate Term of the Appellate Division, Second Department.

SUFFICIENT CAUSE APPEARING THEREFOR, let this order to show cause with its moving affidavit be served by fax upon the office of petitioner's counsel, LEONARD SCLAFANI, P.C., at 212-949-6310, on the 27<sup>th</sup> day of June 2008.

Dated: White Plains, New York  
June 27, 2008

ENTER:

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Judge, White Plains City Court