

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

JOHN McFADDEN,

Petitioner (Overtenant),

CITY COURT OF  
WHITE PLAINS, N.Y.  
2008 JUL -9 P 4: 53  
-against-

ELENA SASSOWER,

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

7/8/09 4:50 PM  
Denied. The relief requested has either been previously addressed by the Court or is beyond the scope, authority or jurisdiction of this City Court.

Index #SP1502/07

ORDER TO SHOW CAUSE for Disqualification/Transfer/Disclosure Vacatur, Reargument/Renewal, Findings, & Other Relief, Including Interim Stay

Any stay of the Court's July 3, 2008 Decision pending appeal is also denied.

Stefania Fria  
JAC

Upon the annexed affidavit of the respondent *pro se* ELENA SASSOWER, duly sworn to on July 8, 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 \_\_\_ day of July, 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:

- (a) to disqualify White Plains City Court Judge Jo Ann Fria 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 vacate her June 30, 2008 from-the-bench rulings herein and her July 3, 2008 decision & order in *John McFadden v. Doris L. Sassower and Elena Ruth Sassower*, #651/89, and to transfer this proceeding and the record of the three

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prior proceedings, #651/89, #434/88 and #500/88, the subject of respondent's First Affirmative Defense and embodied by her First Counterclaim, to another Court to ensure the appearance and actuality of impartial justice – and, if denied, for disclosure pursuant to §100.3F of the Chief Administrator's Rules Governing Judicial Conduct of facts bearing on Judge Friia's impartiality and for reconsideration of her June 30, 2008 rulings and July 3, 2008 decision, made without basis in fact and law;

(b) to vacate the January 29, 2008 and October 11, 2007 decisions & order of White Plains City Court Judge Brian Hansbury based on his recusal, without explanation, arising from the record of respondent's November 9, 2007 order to show cause;

(c) to grant reargument and renewal of Judge Hansbury's 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, including, a stay of any and all proceedings in enforcement of Judge Friia's July 3, 2008 decision & order in #651/89 or judgment entered or to be entered thereon, pending the hearing and determination of this motion.

Alternatively, if all the foregoing relief is denied, for a stay of any and all proceedings in enforcement of Judge Friia's July 3, 2008 decision & order in #651/89, or judgment entered or to be entered thereon, pending determination of respondent's appeal thereof.

SUFFICIENT CAUSE APPEARING THEREFOR, let service of this order to show cause, together with the papers upon which it is based, be made personally or by overnight mail upon the office of petitioner's counsel, LEONARD SCLAFANI, P.C., 18 East 41<sup>st</sup> Street, Suite 1500, New York, New York 10017 on or before the \_\_\_\_\_ day of July 2008, be deemed good and sufficient service.

Dated: White Plains, New York  
July 8, 2008

E N T E R:

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Judge, White Plains City Court