

At a term of the Appellate Term of the Supreme Court
of the State of New York for the 9th & 10th Judicial Districts

FEB 23 2010

FRANCIS A. NICOLAI, P.J.
DENISE F. MOLIA
ANGELA G. IANNACCI, JJ.

DECEMBER 16, 2009 TERM
2008-01428 W C
2008-01433 W C

-----X

JOHN McFADDEN,	Respondent,	Lower Court #
-against-		SP 651/89
ELENA SASSOWER,	Appellant.	AT2 #
		2008-1428 W C

-----X

JOHN McFADDEN,	Respondent-Appellant,	Lower Court #
-against-		SP 1502/07
ELENA SASSOWER,	Appellant-Respondent.	AT2 #
		2008-1433 W C

-----X

The above named appellant-respondent and respondent-appellant having appealed to this court from an **ORDER** of the **CITY COURT, CITY OF WHITE PLAINS, WESTCHESTER COUNTY** entered on **OCTOBER 11, 2007** and the appellant having appealed from as **ORDER** of the same court, entered on **JANUARY 30, 2008** and the said appeals having been **argued** by **APPELLANT IN PERSON** and **argued** by **LEONARD A. SCLAFANI, ESQ.** counsel for the respondent and due deliberation having been had thereon; it is hereby,

ORDERED AND ADJUDGED that on the court's own motion, the appeals are consolidated for the purposes of disposition; and it is further,

ORDERED AND ADJUDGED that the tenant's appeal from so much of the order entered October 11, 2007 as consolidated the instant proceeding with "any prior pending action" is dismissed as moot; and it is further,

ORDERED AND ADJUDGED that the order entered October 11, 2007, insofar as appealed from by the tenant and insofar as reviewed, is affirmed without costs and, upon searching the record, the landlord is granted summary judgment awarding him a final judgment of possession; and it is further,

ORDERED AND ADJUDGED that the order entered October 11, 2007, insofar as cross-appealed from by the landlord, is reversed without costs and the landlord's motion to dismiss the tenant's affirmative defenses and counterclaims is granted; and it is further,

EX 0-2

ORDERED AND ADJUDGED that the order entered January 30, 2008, insofar as appealed from and reviewed, is reversed without costs and all the provisions thereof, except the provision in which the court recused itself, are vacated.

Molia and Iannacci, JJ., concur.
Nicolai, P.J., taking no part.

ELENA RUTH SASSOWER
c/o KARMEL
25 EAST 86TH STREET, APT. 10G
NEW YORK, N.Y. 10028

ENTER:

LEONARD A. SCLAFANI, ESQ.
TWO WALL STREET, 5TH FLOOR
NEW YORK, N.Y. 10005


PAUL KENNY
CHIEF CLERK
APPELLATE TERM