

Elena Ruth Sassower

*16 Lake Street
White Plains, New York 10603*

E-Mail: elenaruth@aol.com

*Tel. (914) 949-2169
Fax (914) 428-4994*

I am the respondent Elena Sassower, here to defend my rights to my home of nearly 20 years. The petition of John McFadden, the petitioner – presumably drafted by his attorney, Leonard Sclafani, Esq. – is based on flagrant falsification and omission of material fact. It is my belief that it would easily support imposition of sanctions and costs under 22 NYCRR 130-1.1 and it is my intention to make such application.

The petition is dated and signed by Mr. McFadden and Mr. Sclafani on June 22nd and was verified by Mr. McFadden on June 23rd. The notice of petition, setting down this July 16th hearing date, is dated June 27th. It was filed with this Court on July 2nd.

Nevertheless, it was not until Monday, July 9th that the notice of petition and petition were served upon me. On that date, I found them, upon my return home at approximately 6 p.m., affixed to my door.

Since then, I have been working diligently to protect my rights. I have gathered and organized the records in my possession and that are immediately available to me, consulted law books, and have drafted an answer with affirmative defenses. I have yet to draft my counterclaims and affirmative relief

I also contacted the law firm of Novick, Edelstein, Lubell, Reisman, Wasserman & Levanthal, P.C. and was able to get an appointment for Friday afternoon, July 13th. I met with two of that firm's lawyers at that time: Peter Lifton and Steven Lesh

During our Friday's meeting, I provided the lawyers with a copy of the notice of petition and petition, as well as my drafted answer with affirmative defenses. To

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obviate imposing on the Court's time this morning and burdening the parties with otherwise unnecessary legal expenses, Mr. Lesh telephoned Mr. Sclafani, told him I was in the office for a consultation, and requested his consent to an adjournment of today's proceeding so that the firm would have time to review the papers, undertake necessary legal research, and enter into a retention agreement with me. Mr. Sclafani refused his request for an adjournment.

Based upon Mr. Lifton's and Mr. Lesh's initial review, they believe I am protected by the Emergency Tenants Protection Act – which, if I am, will entitle me to dismissal of this proceeding, as a matter of law. It is this that they are now researching.

I am, therefore, requesting an adjournment so that they can have time for such research and, based thereon, for the drafting of either a dismissal motion or an answer with affirmative defenses and counterclaims.

May I ask when this Court is next sitting in this part?