

SUPREME COURT OF THE STATE OF NEW YORK
APPELLATE TERM : 9th and 10th JUDICIAL DISTRICTS

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PRESENT : MOLIA, J.

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JOHN McFADDEN,

Respondent,

-against-

FEB 10 2010

NO. 2008-1427 W C
2009-0148 W C

DORIS L. SASSOWER,

Tenant,

-and-

ELENA SASSOWER,

Appellant.

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DECISION

Motion by appellant seeking disqualification denied.

It is noted that a party is not entitled to disqualification of a judge based on the fact that the judge has ruled against her in prior stages of the litigation (see Petkovsek v Snyder, 251 AD2d 1086 [1998]; 1A Carmody-Wait 2d § 3:9).

EX A-3

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

FEB 19 2010

DECEMBER 16, 2009 TERM

2008-01427 W C

2009-00148 W C

DENISE F. MOLIA

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JOHN MCFADDEN,

Respondent,

-against-

Lower Court #

SP 651/89

DORIS L. SASSOWER,

Undertenant,

-and-

ELENA SASSOWER,

Appellant.
-----X

The above named appellant having appealed to this court from the **ORDERS** entered on **OCTOBER 14, 2008** and **JULY 3, 2008** and a **FINAL JUDGMENT** and **WARRANT** entered on **JULY 21, 2008** of the **CITY COURT, WHITE PLAINS, WESTCHESTER COUNTY** and the **APPELLANT** having moved this court by **notice of motion** returnable **JANUARY 20, 2010 SEEKING TO DISQUALIFY JUSTICE MOLIA** and said motion having duly come on to be heard;

Now, on reading the papers filed in support of said motion and the papers filed in opposition thereto, and due deliberation having been had thereon, it is,

ORDERED that the motion is denied.

DENISE F. MOLIA
ASSOCIATE JUSTICE
Appellate Term