

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

JOHN McFADDEN,


Petitioner,

2nd Regent
7/21/08 Denied.
All issues raised here
been previously addressed
by the Court /
Appeals) may

Index #SP651/89

be taken to appellate
Court - no further

**ORDER TO SHOW CAUSE
TO STAY JUDGMENT OF
EVICTION & REMOVAL,
& for Disqualification/Transfer,
Disclosure, Vacatur,
Reargument/Renewal,
& Other Relief**

Action by
City Council of
White Plains
to be taken


-against-

DORIS L. SASSOWER and ELENA SASSOWER,

Respondents.

x

Upon the annexed affidavit of respondent *pro se* ELENA SASSOWER, duly sworn to on July 18, 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 staying enforcement of the judgment of eviction and warrant of removal entered or to be entered on the July 3, 2008 decision & order of White Plains City Court Judge Jo Ann Fria, pending determination of respondent ELENA SASSOWER's within motion:

(1) to disqualify Judge Fria for demonstrated actual bias and interest pursuant to §100.3E of the Chief Administrator's Rules Governing Judicial Conduct and Judiciary Law §14, based,

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inter alia, on her July 3, 2008 decision & order & to vacate same by reason thereof, and to transfer this proceeding, the proceeding *John McFadden v. Elena Sassower*, #1502/07, and the record of #434/88 (*16 Lake Street Owners, Inc. v. John McFadden, George Sassower and Elena Sassower*), #500/88 (*16 Lake Street Owners, Inc. v. John McFadden, George Sassower and Elena Sassower*), #504/88 (*John McFadden v. Doris L. Sassower and Elena Sassower*), and #652/89 (*John McFadden v. George Sassower*), to another Court to ensure the appearance and actuality of impartial justice; and, if disqualification/transfer are denied, for disclosure by Judge Friia, pursuant to §100.3F of the Chief Administrator's Rules Governing Judicial Conduct, of facts bearing upon her fairness and impartiality and that of White Plains City Court;

(2) for reargument and renewal of Judge Friia's July 3, 2008 decision & order pursuant to CPLR §2221 and, upon the granting of same, vacating the decision & order;

(3) for vacatur of Judge Friia's July 3, 2008 decision & order pursuant to CPLR §5015(a)(3) for "fraud, misrepresentation, or other misconduct of an adverse party", with imposition of maximum costs and sanctions pursuant to NYCRR §130-1.1 *et seq.* against Petitioner, John McFadden, and his attorneys herein, Lehrman, Kronick, & Lehrman, as well as Leonard Sclafani, Esq., his attorney in #1502/07;

(4) for vacatur of Judge Friia's July 3, 2008 decision & order pursuant to CPLR §5015(a)(4) for "lack of jurisdiction to render the judgment or order";

(5) for such other and further relief as may be just and proper, including \$100 motion costs pursuant to CPLR §8202.

Alternatively, if the interim stay is denied, for a stay of the judgment entered or to be entered in enforcement of Judge Friia's July 3, 2008 decision & order pending 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 on or before the _____ day of July 2008, upon the offices of: (a) petitioner's counsel herein, LEHRMAN, KRONICK & LEHRMAN, 199 Main Street, White Plains, New York 10601; (b) petitioner's counsel in #1502/07, LEONARD SCLAFANI, P.C., 18 East 41st Street, Suite 1500, New York, New York 10017; (c) LAWRENCE J. GLYNN, ESQ, counsel to the Co-Op in #434/88 and #500/88; (d) DORIS L. SASSOWER, *pro se* respondent herein; and (e) GEORGE SASSOWER, *pro se* respondent in #652/89.

Dated: White Plains, New York
July , 2008

E N T E R:

Judge, White Plains City Court