

SUPREME COURT OF THE STATE OF NEW YORK  
APPELLATE DIVISION,  
SECOND JUDICIAL DEPARTMENT

-----X  
JOHN MCFADDEN,

Respondent,

v.

DORIS L. SASSOWER,  
ELENA SASSOWER,

Appellants,

Appellate Term:  
#2008-1427-WC  
#2009-148-WC  
(White Plains City Court:  
#SP-651/89&SP-1474-2008)

**AFFIRMATION IN  
OPPOSITION TO MOTION  
FOR REARGUMENT**

**#2010-09890**

-----X  
JOHN MCFADDEN,

Respondent,

v.

ELENA SASSOWER

Appellant.  
-----X

Appellate Term:  
#2008-1433-WC  
#2009-1428-WC  
(White Plains City Court:  
#SP-1502/07)

Leonard A. Sclafani, hereby affirmed under penalty of perjury as follows:

1. I am an attorney duly admitted to practice law before the courts of the State of New York. I am a member of the firm of the Offices of Leonard A. Sclafani, P.C., attorneys for Respondent John McFadden. As such, I am fully familiar with the facts and circumstances surrounding this matter and hereinafter set forth.

2. I submit this Affirmation and Opposition to the application of Appellant Elena Sassower, reportedly for "reargument" of her prior motion for disqualification of the Justices of this Court who heard her appeals and related motions and for other relief.

3. It is respectfully submitted that Appellant's motion must be denied for several reasons.

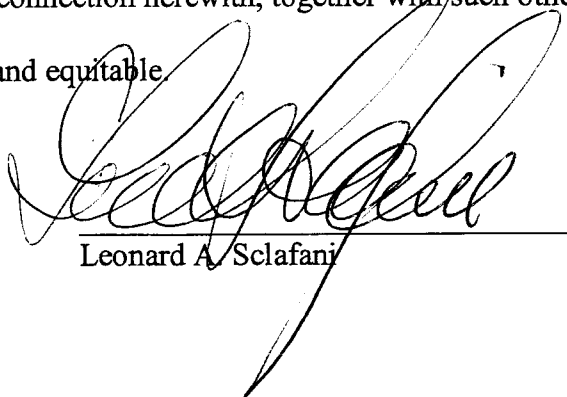
4. Among them are that Appellant's motion is a rehash of the same baseless arguments and facts as Appellant had reargued and presented on her original motion.

5. Appellant's motion must also be denied on the ground that, to the extent that it is not a rehash of prior presented and considered arguments and facts, it interjects new factual allegations and documents that were not part of the record and Appellant's original motion.

6. To the extent that this Court determines to consider Appellant's motion as one for renewal as opposed to reargument despite Appellant's express identification of her motion as one for reargument, the Court must nevertheless deny the motion inasmuch as Appellant has failed to provide reasonable justification for her failure to present those facts and documents on her prior motion as the law requires.

WHEREFORE, your affirmant, on behalf of Respondent, respectfully requests that Appellant's motion be denied in its entirety and that Appellant be awarded his costs, disbursements and attorneys' fees incurred in connection herewith, together with such other and further relief as this Court deems just, proper and equitable.

Dated: June 29, 2011



Leonard A. Sclafani

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**THE LAW OFFICES**  
**OF**  
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Pursuant to 22NYCRR 1301.1a the undersigned, an attorney admitted to practice in the courts of New York State, certifies that upon information and belief, and after reasonable inquiry, the contentions contained in the annexed documents(s) are not frivolous.

Service of a copy of the within  
is hereby admitted.

Dated,

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