

Case No. 2008-1433 WC

To be Argued by:
Elena Sassower
(15 minutes requested)

APPELLATE TERM OF THE SUPREME COURT
NINTH & TENTH JUICIAL DISTRICTS

JOHN McFADDEN,

Cross-Appellant,

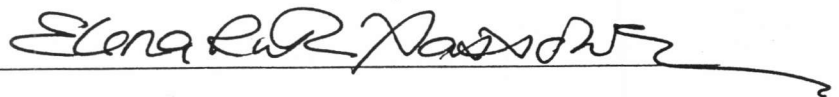
-against-

ELENA SASSOWER,

Appellant.

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APPELLANT'S BRIEF*



ELENA SASSOWER, Appellant *Pro Se*
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White Plains, New York 10603
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***Appeal 1: Judge Brian Hansbury's October 11, 2007 Decision & Order
(Westchester City Court #1502/07)**

SB-1

INTRODUCTION

This is an appeal from an October 11, 2007 decision & order that is void *ab initio*. It was rendered by White Plains City Court Judge Brian Hansbury who thereafter recused himself, without explanation or disclosure, by a January 29, 2008 decision & order which simultaneously denied appellant's legally-sufficient motion for his disqualification for demonstrated actual bias and interest and for vacatur of the October 11, 2007 decision & order by reason thereof or upon the granting of reargument – a motion which had additionally requested that he disclose facts bearing upon his impartiality, if disqualification were denied. The January 29, 2008 decision & order is also before this Court on appellant's appeal under #2008-1428-WC, incorporated herein by reference.

As hereinafter shown, the October 11, 2007 decision & order is the product of a flagrantly biased and interested judge. It deprives appellant of relief to which she is entitled, *as a matter of law*: dismissal of the Petition and summary judgment on her four Counterclaims, costs and maximum sanctions against the cross-appellant and his counsel, and their referral to disciplinary and criminal authorities. This Court's granting of such relief is mandated on this appeal – as it is on appellant's accompanying appeal from the January 29, 2008 decision & order.

CONCLUSION

WHEREFORE, *as a matter of law*, Judge Hansbury's October 11, 2007 decision & order must be reversed, if not vacated, McFadden's Petition dismissed and summary judgment awarded to Sassower on her four Counterclaims, with costs and maximum sanctions imposed on McFadden and his counsel pursuant to 22 NYCRR §130-1.1 *et seq.*, as well as their referral to disciplinary and criminal authorities.



ELENA RUTH SASSOWER

Dated: November 13, 2008
White Plains, New York