

SUPREME COURT OF THE STATE OF NEW YORK  
APPELLATE TERM: NINTH & TENTH JUDICIAL DISTRICT

-----X  
JOHN MCFADDEN,

Respondent

-against-

DORIS L. SASSOWER,

Respondent

ELENA SASSOWER,

Appellant  
-----X

Appellate Term:

Index #2009-148 WC

White Plains City Court

#SP-2008-1474

(#SP-651/89)

**AFFIRMATION**

Leonard A. Sclafani hereby affirms 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 Law Offices of Leonard A. Sclafani P.C., attorneys for respondent John McFadden, in the above captioned matter. As such, I am familiar with the facts and circumstances surrounding this matter and hereinafter set forth.

2. I submit this affirmation in connection with the application of appellant Elena  
Sassower for an order requiring the White Plains City Court Chief Clerk to furnish this court with a proper "Clerk's Return on Appeal" for Index #2009-148-WC, whose Index Number in White Plains City Court is SP-2008-1474.

3. Mr. McFadden takes no position on appellant's motion; however, it appears to him

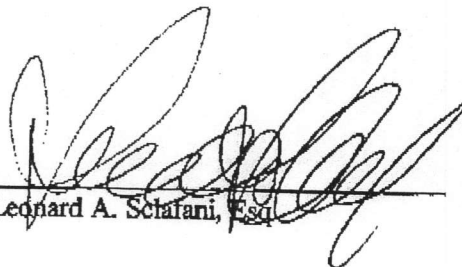
*Enclosure #2*

that it is sufficient for its purpose and that the Clerk's Return on Appeal is in substantiated conformance with the Uniform Court but that any deviation is both de minimis and non-prejudicial and that the return was apparently sufficiently suitable for appellant to prepare and submit appellant's brief on the appeal.

4 . However, to the extent that it does not, your affiant notes, on behalf of Mr. McFadden, that, in the event that this Court determines that the Clerk's Return is deficient, then Mr. McFadden should have not been required, and should not now be, required, to submit a respondent's brief on appellant's appeal until a proper Clerk's Return is filed.

5 . With respect to appellant's assertions that your affiant has engaged in any form of fraud or deceit in this, or any other matter her allegations are unsubstantiated, untrue and unworthy of any detailed response.

Dated: May 26, 2009  
New York, New York

  
Leonard A. Scharani, Esq.

Appellate Term : Index #2009-148 WC  
White Plains City Court No. SP-2008-1474  
(#SP 651/89)

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AFFIRMATION

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THE LAW OFFICES  
OF  
LEONARD A. SCLAFANI, P.C.

Attorneys for Respondent John McFadden

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(212) 696-9880

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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 document(s) are not frivolous:

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Leonard A. Sclafani

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Service of a copy of the within

is hereby admitted.

Dated, .....

Attorney(s) for

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