

Present: HON. BRIAN HANSBURY
CITY COURT JUDGE

-----X
JOHN MCFADDEN,

Petitioner (Overtenant),

-against-

ELENA SASSOWER,

Respondent (Subtenant),
-----X

DECISION ON MOTION

TO COMMENCE THE
STATUTORY TIME PERIOD
FOR APPEALS AS OF RIGHT
(CPLR 5513[a]) YOU ARE
ADVISED TO SERVE A COPY
OF THIS ORDER, WITH NOTICE
OF ENTRY, UPON ALL PARTIES.

INDEX NO.: SP 1502/07
MOTION DATE: 11/16/07

The following papers numbered 1 to 9 read on this motion by respondent; cross-motion by petitioner.

| | |
|--|---|
| Order to Show Cause | 1 |
| Affidavit of Elena Ruth Sassower | 2 |
| Exhibits | 3 |
| Respondent's Memorandum of Law | 4 |
| Notice of Cross-Motion | 5 |
| Affirmation of Leonard A. Sclafani | 6 |
| Exhibits | 7 |
| Reply Affidavit of Elena Ruth Sassower | 8 |
| Exhibits | 9 |

Filed Papers: All papers on file.

FILED CITY COURT OF
WHITE PLAINS, N.Y.
2008 JAN 30 P 3:00

Upon the foregoing papers, the Court finds and decides as follows:

Respondent's application for, among other things, reargument/renewal of a Decision and Order of this Court dated October 11, 2007 is granted. Upon reargument/renewal, the Court adheres to its original determination.

At the outset, the Court did review and consider respondent's answer with affirmative defenses/counterclaims in its original decision. Next, respondent's moving papers are supported by nothing more than conclusory and unsubstantiated assertions, falling short of the standards for a motion to reargue/renew, and offer no basis in fact or law for the disqualification of the undersigned Judge. The balance of respondent's motion is denied in its entirety.

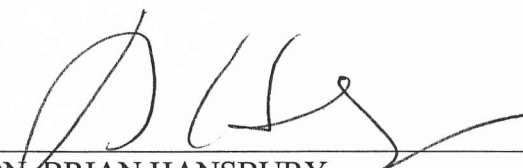
Petitioner's application for reargument is granted. Upon reargument, the Court adheres to its original determination. Contrary to counsel's assertion, the Court has carefully reviewed petitioner's prior motion and, simply stated, there is no affidavit from petitioner attesting to the contents of counsel's affirmation. The balance of petitioner's arguments are unpersuasive.

The proceedings shall remain consolidated.

The undersigned hereby recuses himself and directs the Clerk of the Court to assign this matter to another judge of the White Plains City Court.

THIS DECISION CONSTITUTES THE ORDER OF THE COURT

Dated: White Plains, New York
January 29, 2008



HON. BRIAN HANSBURY
CITY COURT JUDGE

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