

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

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16 LAKE STREET OWNERS, INC.,

Petitioner (Landlord)

-against-

NOTICE OF MOTION

JOHN McFADDEN,

Respondent (Tenant)
472 Clearmeadow Drive
East Meadow, N.Y. 11554

504/88

GEORGE SASSOWER and
ELENA SASSOWER,

Respondent (Tenant)
16 Lake Street
White Plains, N.Y.

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S I R S :

PLEASE TAKE NOTICE that upon the annexed Affirmation of PETER J. GRISHMAN, Esq., the Exhibits annexed therein, and the Verified Answer of ELENA RUTH SASSOWER, dated December 9, 1988, and upon all the papers and proceedings heretofore had herein, a motion will be made before the White Plains City Court on the 12th Day of December, 1988, at 9:00 o'clock in the forenoon of that day, or as soon thereafter as counsel can be heard, for an Order

(1) staying all proceedings in this Court until 30 days after all proceedings in the prior pending federal court action are finally concluded.

* (2) disqualifying the City Court of White Plains from hearing this matter and directing its reassignment to another Court.

(3) dismissing the Petition for lack of jurisdiction;

(4) dismissing the Petition for failure to comply with

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statutory procedural requirements;

(5) granting summary judgment against Petitioner permitting Respondents pre-trial disclosure, including a Bill of Particulars and Examinations Before Trial; and

(6) such other and further relief as may be deemed just and proper.

PLEASE TAKE FURTHER NOTICE that answering papers, if any, shall, pursuant to CPLR 2214(b), be served upon the undersigned as directed by the Court.

Yours, etc.

PETER J. GRISHMAN, Esq.
Attorney for Respondent-
Elena Ruth Sassower
194 Deerfield Lane No.
Pleasantville, N.Y. 10570
(914) 747-2263

Dated: December 12, 1988

THIS COURT SHOULD RECUSE ITSELF FROM
THIS PROCEEDING

(11) On July 14, 1986, this Court, per REAP. J., in People v. Sassower, recused itself from hearing the matter on the grounds of bias and prejudice against the Defendant, the mother of Respondent herein, a party in the federal action and an essential witness in this case.

(12) Thereafter, the aforesaid criminal matter was heard by HOLDEN, J., and a jury, resulting in a judgment of conviction, which on November 22, 1988, was unanimously reversed by the Appellate Term on the law and facts, and the complaint dismissed. On her appeal, Appellant alleged and proved that Judge HOLDEN failed to disclose a serious conflict of interest, to wit: that prior to assuming the bench he had served as Corporation Counsel of the City of White Plains, and by reason thereof, denied all pre-trial and trial motions to dismiss the patently spurious criminal charges against Defendant arising out of an alleged "theft of services" attributable to a \$16.56 balance of a disputed restaurant bill, unpaid by her host, unless she signed general releases, including therein the City of White Plains.

(13) The disqualification of both said judges of this Court would require reassignment to another Court.

THIS COURT LACKS SUBJECT MATTER JURISDICTION

(14) RPAPL 713 provides:
"A special proceeding may be maintained under this article after a ten-day notice to quit has been served upon respondent in the manner described in action 735, upon the following grounds.

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