

Supreme Court of the State of New York
Appellate Division : Second Judicial Department

Form A - Request for Appellate Division Intervention - Civil

See § 670.3 of the rules of this court for directions on the use of this form (22 NYCRR 670.3).

Case Title: Set forth the title of the case as it appears on the summons, notice of petition or order to show cause by which the matter was or is to be commenced, or as amended.		For Court of Original Instance	
John McFadden against Doris C. Sasso Elena Sasso		#2008-1427 WC Clerk Patricia Cupi Non Party Respondent #2009-148 WC	
John McFadden against Elena Sasso		#2008-1433 WC 2008-1428 WC	
Case Type ☒ Civil Action ☐ CPLR article 75 Arbitration		Filing Type ☒ Appeal ☐ Original Proceeding	
☐ CPLR article 78 Proceeding ☐ Special Proceeding Other ☐ Habeas Corpus Proceeding		☐ Transferred Proceeding ☐ CPLR 5704 Review	
Nature of Suit: Check up to five of the following categories which best reflect the nature of the case.			
A. Administrative Review ☐ 1 Freedom of Information Law ☐ 2 Human Rights ☐ 3 Licenses ☐ 4 Public Employment ☐ 5 Social Services ☐ 6 Other	D. Domestic Relations ☐ 1 Adoption ☐ 2 Attorney's Fees ☐ 3 Children - Support ☐ 4 Children - Custody/Visitation ☐ 5 Children - Terminate Parental Rights ☐ 6 Children - Abuse/Neglect ☐ 7 Children - JD/PINS ☐ 8 Equitable Distribution ☐ 9 Exclusive Occupancy of Residence ☐ 10 Expert's Fees ☐ 11 Maintenance/Alimony ☐ 12 Marital Status ☐ 13 Paternity ☐ 14 Spousal Support ☐ 15 Other	F. Prisoners ☐ 1 Discipline ☐ 2 Jail Time Calculation ☐ 3 Parole ☐ 4 Other	I. Torts ☐ 1 Assault, Battery, False Imprisonment ☐ 2 Conversion ☐ 3 Defamation ☐ 4 Fraud ☐ 5 Intentional Infliction of Emotional Distress ☐ 6 Interference with Contract ☐ 7 Malicious Prosecution/Abuse of Process ☐ 8 Malpractice ☐ 9 Negligence ☐ 10 Nuisance ☐ 11 Products Liability ☐ 12 Strict Liability ☐ 13 Trespass and/or Waste ☐ 14 Other
B. Business & Other Relationships ☐ 1 Partnership/Joint Venture ☐ 2 Business ☐ 3 Religious ☐ 4 Not-for-Profit ☐ 5 Other	E. Miscellaneous ☐ 1 Constructive Trust ☐ 2 Debtor & Creditor ☐ 3 Declaratory Judgment ☐ 4 Election Law ☐ 5 Notice of Claim ☐ 6 Other	G. Real Property ☐ 1 Condemnation ☐ 2 Determine Title ☐ 3 Easements ☐ 4 Environmental ☐ 5 Liens ☐ 6 Mortgages ☐ 7 Partition ☐ 8 Rent ☐ 9 Taxation ☐ 10 Zoning ☒ 11 Other	J. Wills & Estates ☐ 1 Accounting ☐ 2 Discovery ☐ 3 Probate/Administration ☐ 4 Trusts ☐ 5 Other
C. Contracts ☐ 1 Brokerage ☐ 2 Commercial Paper ☐ 3 Construction ☐ 4 Employment ☐ 5 Insurance ☒ 6 Real Property ☐ 7 Sales ☐ 8 Secured ☐ 9 Other	H. Statutory ☐ 1 City of Mount Vernon Charter §§ 120, 127-f, or 129 ☐ 2 Eminent Domain Procedure Law § 207 ☐ 3 General Municipal Law § 712 ☐ 4 Labor Law § 220 ☐ 5 Public Service Law §§ 128 or 170 ☐ 6 Other		

Appeal

Paper Appealed From (check one only):

- | | | | |
|---|---|---|---|
| ☐ Amended Decree | ☐ Determination | ☒ Order | ☐ Resettled Order |
| ☐ Amended Judgment | ☐ Finding | ☐ Order & Judgment | ☐ Ruling |
| ☐ Amended Order | ☐ Interlocutory Decree | ☐ Partial Decree | ☐ Other (specify): |
| ☐ Decision | ☐ Interlocutory Judgment | ☐ Resettled Decree | |
| ☐ Decree | ☐ Judgment | ☐ Resettled Judgment | |

Court: Appellate Term - 9th & 10th Districts County: _____
 Dated: July 8, 2010 Entered: _____
 Judge (name in full): Justices Denise F. Molia Index No.: _____
Angela G. Cannacci
 Stage: ☐ Interlocutory ☐ Final ☐ Post Final Trial: ☐ Yes ☐ No If Yes: ☐ Jury ☐ Non-Jury

Prior Unperfected Appeal Information

Are any unperfected appeals pending in this case? ☐ Yes ☒ No. If yes, do you intend to perfect the appeal or appeals covered by the annexed notice of appeal with the prior appeals? ☐ Yes ☐ No. Set forth the Appellate Division Cause Number(s) of any prior, pending, unperfected appeals:

Original Proceeding

Commenced by: ☐ Order to Show Cause ☒ Notice of Petition ☐ Writ of Habeas Corpus Date Filed: July 2007
 Statute authorizing commencement of proceeding in the Appellate Division:

Proceeding Transferred Pursuant to CPLR 7804(g)

Court: _____ County: _____
 Judge (name in full): _____ Order of Transfer Date: _____

CPLR 5704 Review of Ex Parte Order

Court: _____ County: _____
 Judge (name in full): _____ Dated: _____

Description of Appeal, Proceeding or Application and Statement of Issues

Description: If an appeal, briefly describe the paper appealed from. If the appeal is from an order, specify the relief requested and whether the motion was granted or denied. If an original proceeding commenced in this court or transferred pursuant to CPLR 7804(g), briefly describe the object of the proceeding. If an application under CPLR 5704, briefly describe the nature of the ex parte order to be reviewed.

appeal from a July 8, 2010 decision + order of Appellate Term
Justices Molia + Cannacci denying writ of habeas corpus
on April 25, 2010 motion for leave to appeal to this Court +
raise other relief was for their disqualification for
demonstrated actual bias + interest, vacatur of their prior
February 19 + 23, 2010 decision/orders, for lack of jurisdiction +
fraud; argument + renewal

Amount: If an appeal is from a money judgment, specify the amount awarded.
 Issues: Specify the issues proposed to be raised on the appeal, proceeding, or application for CPLR 5704 review.

The threshold issue is whether an appeal lies of right
to this Court to review the legal sufficiency of the
April 25, 2010 motion to disqualify Justice Cannacci, as
likewise the legal sufficiency of a January 2, 2010 motion
to disqualify Justice Molia, embodied therein - both
motions having been denied by the subject justices themselves
w/that reasons and without

Issues Continued:

the disclosure, alternatively requested
 secondarily, this Court's duty — appellate + supervisory —
 to grant leave to appeal to the Court or alternatively
 to the Court of Appeals so as to afford appellate
 review not only of the legal sufficiency of the two
 motions to disqualify Justices Melia + Iannacci, but the
 legal sufficiency of two motions to disqualify City Court
 Judges Brian Thiboutot + John Frii, dated Nov. 8/9, 2007
 + July 18/21, 2008, where legal sufficiency was the threshold
 issue in the 4 appeals taken to the Appellate Term,
 but not adjudicated by Justices Melia + Iannacci,
 — as likewise all other ^{legal} issues raised by
 appellant except the.

Use Form B for Additional Appeal Information

Party Information

Instructions: Fill in the name of each party to the action or proceeding, one name per line. If this form is to be filed for an appeal, indicate the status of the party in the court of original instance and his, her, or its status in this court, if any. If this form is to be filed for a proceeding commenced in this court, fill in only the party's name and his, her, or its status in this court.

Examples of a party's original status include: plaintiff, defendant, petitioner, respondent, claimant, defendant third-party plaintiff, third-party defendant, and intervenor. Examples of a party's Appellate Division status include: appellant, respondent, appellant-respondent, respondent-appellant, petitioner, and intervenor.

No.	Party Name	Original Status	Appellate Division Status
1	John McFadden	petitioner	respondent #2008-1428 WC
2			respondent +
3			Class-appellant #2008-1433 WC
4	Elena Sassore	respondent	appellant
5			
6	Doris C. Sassore	respondent	
7	White Plains City Ct Clerk	non-party	non-party #2009-148 WC
8	Patricia Lupi	respondent	respondent #2008-1427 WC
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Attorney Information

Instructions: Fill in the names of the attorneys or firms of attorneys for the respective parties. If this form is to be filed with the notice of petition or order to show cause by which a special proceeding is to be commenced in the Appellate Division, only the name of the attorney for the petitioner need be

provided.

In the event that a litigant represents herself or himself, the box marked "Pro Se" must be checked and the appropriate information for that litigant must be supplied in the spaces provided.

Attorney/Firm Name: Elena Sassore
 Address: P.O. Box 3002
 City: Southampton State: NY Zip: 11969 Telephone No.: 646 220-7987
 Attorney Type: ☐ Retained ☐ Assigned ☐ Government ☒ Pro Se ☐ Pro Hac Vice

Party or Parties Represented (set forth party number(s) from table above or from Form C): 4

Attorney/Firm Name: Joris C. Sassore
 Address: 283 Sandview Avenue
 City: White Plains State: NY Zip: 10606 Telephone No.: 914 997-1677
 Attorney Type: ☐ Retained ☐ Assigned ☐ Government ☒ Pro Se ☐ Pro Hac Vice

Party or Parties Represented (set forth party number(s) from table above or from Form C): 6

Attorney/Firm Name: Conrad A. Salafini, Esq.
 Address: Two Wall Street, 5th floor
 City: New York State: NY Zip: 10005 Telephone No.:
 Attorney Type: ☒ Retained ☐ Assigned ☐ Government ☐ Pro Se ☐ Pro Hac Vice

Party or Parties Represented (set forth party number(s) from table above or from Form C): 1

Attorney/Firm Name: NY State Attorney General
 Address: 120 Broadway, 25th floor
 City: New York State: NY Zip: 10271 Telephone No.:
 Attorney Type: ☐ Retained ☐ Assigned ☒ Government ☐ Pro Se ☐ Pro Hac Vice

Party or Parties Represented (set forth party number(s) from table above or from Form C): 8

Attorney/Firm Name:
 Address:
 City: State: Zip: Telephone No.:
 Attorney Type: ☐ Retained ☐ Assigned ☐ Government ☐ Pro Se ☐ Pro Hac Vice

Party or Parties Represented (set forth party number(s) from table above or from Form C):

Attorney/Firm Name:
 Address:
 City: State: Zip: Telephone No.:
 Attorney Type: ☐ Retained ☐ Assigned ☐ Government ☐ Pro Se ☐ Pro Hac Vice

Party or Parties Represented (set forth party number(s) from table above or from Form C):

Use Form C for Additional Party and/or Attorney Information

The use of this form is explained in § 670.3 of the rules of the Appellate Division, Second Department (22 NYCRR 670.3). If this form is to be filed for an appeal, place the required papers in the following order: (1) the Request for Appellate Division Intervention (Form A, this document), (2) any required Additional Appeal Information Forms (Form B), (3) any required Additional Party and Attorney Information Forms (Form C), (4) the notice of appeal or order granting leave to appeal, (5) a copy of the paper or papers from which the appeal or appeals covered in the notice of appeal or order granting leave to appeal is or are taken, and (6) a copy of the decision or decisions of the court of original instance, if any.