

SUPREME COURT OF THE STATE OF NEW YORK
APPELLATE TERM: 9TH & 10TH JUDICIAL DISTRICTS

JOHN McFADDEN,

Respondent,

- against -

DORIS I. SASSOWER,

Respondent,

ELENA SASSOWER,

Appellant.

Nos. 2008-1427-WC &
2009-148-WC

**AFFIRMATION IN
OPPOSITION TO
MOTION FOR
DISQUALIFICATION
AND OTHER RELIEF**

BENJAMIN N. GUTMAN, an attorney duly admitted to the bar of this State, hereby affirms the truth of the following, upon information and belief, and subject to the penalties of perjury:

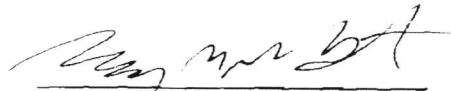
1. I am a Deputy Solicitor General in the office of Andrew M. Cuomo, Attorney General of the State of New York, which represents non-party respondent Patricia Lupi in this appeal. I make this affirmation in opposition to appellant Elena Sassower's motion for disqualification of Justice Molia and other relief.

2. Among other things, Sassower asks this Court to impose sanctions against Assistant Solicitor General Diana R.H. Winters, her supervising attorneys, and Lupi, and to refer them to disciplinary and criminal authorities. Notice of Motion ¶ 4.

3. Sassower has not identified any conduct by these individuals — nor is

there any — that would warrant sanctions or referral. To the extent Sassower's motion continues to seek relief discussed in the parties' prior submissions, I respectfully refer the Court to those submissions.

Dated: New York, New York
January 14, 2010

A handwritten signature in dark ink, appearing to read "Benjamin N. Gutman", written over a horizontal line.

BENJAMIN N. GUTMAN
Deputy Solicitor General