

**THE LAW OFFICES
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June 8, 2009

Appellate Term
Supreme Court of the State of New York
For the 9th and 10th Judicial Districts
141 Livingston Street, 15th Floor
Brooklyn, New York 11201-5078

Attention: Xio Mara

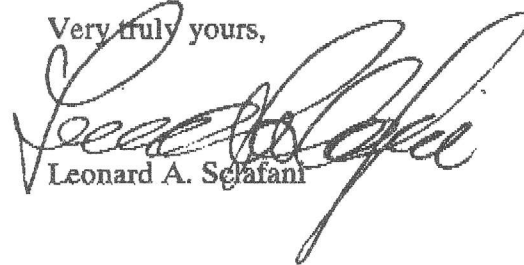
RE: McFadden v. Elena Sassower Index No. 2008-1427 WC and McFadden v. Doris
Sassower and Elena Sassower
Index Nos. 2008-1427 WC and 2009-148 WC

Your Honor:

Please accept this letter as the application of John McFadden, petitioner in the summary holdover proceeding in the White Plains City Court and respondent in the two above referenced appeals for a brief extension of time to file his brief in the above two appeals. By prior order of this Court, Mr. McFadden's time to file his brief was extended until July 6, 2009. On that date, Mr. McFadden timely tendered his brief to the Appellate Term through the printer, Counsel Press. Although Counsel Press served each of appellant, Elena Sassower, her mother, Doris Sassower, and the Attorney General of the State of New York, counsel for the non party respondent, Patricia Lupi, clerk of the White Plains City Court, on the day that it submitted Mr. McFadden's brief for filing (See attached), the affidavit of service that it prepared and that accompanied the submission did not reflect that service was made on either Doris Sassower or the Attorney General. When Counsel Press became aware of the error, it attempted to submit an amended affidavit of service on the same day; however, it was not able to submit the document before the clerk's office closed. Counsel Press did offer the amended affidavit of service for filing the following day. To the extent that the brief may not have been accepted for filing due to the lack of a proper affidavit of service, I respectfully request on behalf of Mr. McFadden that his time to file the brief be extended to allow him to resubmit the brief with the amended affidavit of service.

None of the parties have been prejudiced in any way by Counsel Press' error. All who were entitled to be served with Mr. McFadden's brief were, in fact, served on the day that the brief was due.

Very truly yours,



Leonard A. Sclafani

cc: Elena Sassower
c/o Karmel
5 East 86th Street
New York, New York 10028

Doris L. Sassower
Respondent Pro Se
283 Soundview Avenue
White Plains, New York 10606

Attorney General Andrew M. Cuomo
Attorney for Non-Party White Plains City Court Clerk Patricia Lupi
By: Assistant Attorney General Dian Kerr McCullough, Esq.
Assistant General Attorney
101 East Post Road

STATE OF NEW YORK)

COUNTY OF NEW YORK)

ss.:

**AFFIDAVIT OF SERVICE
BY MAIL****BARRY BARON****354 VAN NAME AVE.****STATEN ISLAND, NY 10303**

I, , being duly sworn, depose and say that deponent is not a party to the action, is over 18 years of age and resides at the address shown above or at

On

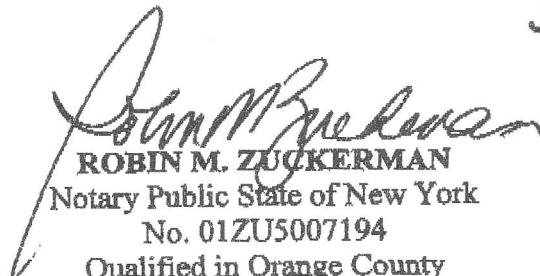
JUL 06 2009deponent served the within: **Brief for Petitioner-Respondent**

upon:

Elena Sassower**Appellant, Pro Se****c/o Karmel****25 East 86th St.****New York, New York 10028**

the address(es) designated by said attorney(s) for that purpose by depositing 1 true copy(ies) of same, in a postpaid properly addressed wrapper in a Post Office Mail Depository, under the exclusive custody and care of the United States Postal Service, within the State of New York.

Sworn to before me on

JUL 06 2009
ROBIN M. ZUCKERMAN

Notary Public State of New York

No. 01ZU5007194

Qualified in Orange County

Commission Expires Jan. 25, 2011

Job #223787

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