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Court of Appeals of New York.

Robert L. SCHULZ et al., Appellants,

v.

NEW YORK STATE LEGISLATURE et al.,

Respondents.

City of New York et al., Intervenors-Respondents.

Sept. 22, 1998.

*917 **267 Reported below, 244 A.D.2d 126, 676 N.Y.S.2d 237.

Motion to disqualify Chief Judge Kay and Judges Bellacosa, Levine and Ciparick dismissed upon the ground that the Court of Appeals has no authority to entertain the motion made on nonstatutory grounds. The application seeking recusal is referred to the Judges for individual consideration and determination

by each Judge (*see, Matter of Sims*, 62 N.Y.2d 884, 478 N.Y.S.2d 866, 467 **268 N.E.2d 530; *New York Criminal & Civ. Cts. Bar Assn. v. State of New York*, 46 N.Y.2d 730, 413 N.Y.S.2d 373, 385 N.E.2d 1301; *Matter of Waltemade*, 37 N.Y.2d [a], [II]).

KAYE, C.J., and BELLACOSA, SMITH, LEVINE, CIPARICK and WESLEY, JJ., concur.

KAYE, C.J., and BELLACOSA, LEVINE and CIPARICK, JJ., each respectively denies the referred motion for disqualification.

On the Court's own motion, appeal dismissed, without costs, upon the ground that no substantial constitutional question is directly involved.

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