

SUPREME COURT OF THE STATE OF NEW YORK
APPELLATE DIVISION : SECOND DEPARTMENT

-----X
In the Matter of DORIS S. SASSOWER, :
 :
 Petitioner, : NOTICE OF ENTRY
 :
 - against - :
 :
 HON. GUY MANGANO, as Presiding Justice :
 of the Appellate Division, Second :
 Dept., HON. MAX GALFUNT, as Special :
 Referee, and EDWARD SUMBER and GARY :
 CASELLA, as Chairman and Chief Counsel :
 respectively of the Grievance Committee :
 for the Ninth Judicial District, :
 :
 Respondents. :
 :
-----X

PLEASE TAKE NOTICE that the within is a true copy of the
order duly entered in the office of the Clerk of the within named
Court on September 20, 1993.

Dated: New York, New York
November 29, 1993

Yours, etc.

ROBERT ABRAMS
Attorney General of the
State of New York
120 Broadway
New York, New York 10271
(212) 416-8569

TO: DORIS SASSOWER
283 Soundview Avenue
White Plains, N.Y. 10606

EX "A"

SUPREME COURT OF THE STATE OF NEW YORK
APPELLATE DIVISION : SECOND JUDICIAL DEPARTMENT

0033q
Y/ep

_____ AD2d _____

WILLIAM C. THOMPSON, J.P.
LAWRENCE J. BRACKEN
THOMAS R. SULLIVAN
VINCENT R. BALLETTA, JR.
ALBERT M. ROSENBLATT, JJ.

93-02925

In the Matter of Doris L. Sassower,
petitioner, v Guy James Mangano,
etc., et al., respondents.

DECISION, ORDER & JUDGMENT

Doris L. Sassower, White Plains, N.Y., petitioner *pro se*.

Robert Abrams, Attorney-General, New York, N.Y. (John J. Sullivan and
Carolyn Cairns Olson of counsel), for respondents.

Proceeding pursuant to CPLR article 78, *inter alia*, in the nature of a writ of prohibition to bar the respondents from taking any further action with respect to an attorney disciplinary petition dated February 6, 1990, in which the respondents moved to dismiss the CPLR article 78 proceeding for failure to state a cause of action and as barred by the Statute of Limitations, and the petitioner cross-moved, *inter alia*, to (1) stay prosecution of the disciplinary proceeding under the petition dated February 6, 1990, as well as a petition dated January 28, 1993, and a supplemental petition dated March 25, 1993, (2) recuse the Justices of the Appellate Division, Second Department, from presiding over this CPLR article 78 proceeding pursuant to the Code of Judicial Conduct Canon 3(C), and transferring it to another Judicial Department, and (3) compel production of a Grievance Committee Report dated July 31, 1989, upon which the petition dated February 6, 1990, is based, the Grievance Committee Report dated December 17, 1992, upon which the supplemental petition dated March 25, 1993, is based, and the Grievance Committee Report dated July 8, 1992, upon which the petition dated January 28, 1993, is based, and for other disclosure pursuant to CPLR 408 and 3101(a).

ORDERED that the respondents' motion to dismiss the CPLR article 78 proceeding is granted; and it is further,

ORDERED that the petitioner's cross motion is denied in its entirety; and it is further,

September 20, 1993

MATTER OF SASSOWER v MANGANO

Page 1.

ADJUDGED that the petition is denied and the CPLR article 78 proceeding is dismissed on the merits; and it is further,

ORDERED that the respondents are awarded one bill of costs.

The remedy of prohibition is available only where there is a clear legal right and, in instances where judicial authority is challenged, only when a court acts or threatens to act either without jurisdiction or in excess of its authorized powers (*see, Matter of Holtzman v Goldman*, 71 NY2d 564, 569). Inasmuch as the petitioner's jurisdictional challenge can be addressed in the underlying disciplinary proceeding or by way of a motion to confirm or disaffirm a referee's report, the petitioner is not entitled to the extraordinary remedy of prohibition.

THOMPSON, J.P., BRACKEN, SULLIVAN, BALLETTA and ROSENBLATT, JJ., concur.

SUPREME COURT, STATE OF NEW YORK
APPELLATE DIVISION SECOND DEPT

I, MARTIN H. BROWNSTEIN, Clerk of the Appellate Division of the Supreme Court, Second Judicial Department, do hereby certify that I have compared this copy with the original filed in my office on **SEP 20 1993** and that this copy is a correct transcription of said original.

IN WITNESS WHEREOF I have hereunto set my hand and affixed the seal of this Court on **SEP 20 1993**



ENTER:

MARTIN H. BROWNSTEIN

Martin H. Brownstein
Clerk

Sir:

Please take notice that the within is a true
of

and entered in the office of the Clerk
County, on
day of , 19

10271

W

Yours, etc.,

ABRAMS,

Attorney General,

, Esq.

DORIS SASSOWER
283 Soundview Avenue
White Plains, N.Y. 10606

SUPREME COURT OF THE STATE
OF NEW YORK
APPELLATE DIVISION :
SECOND DEPARTMENT

In the Matter of DORIS S. SASSOWER,

Petitioner,

- against -

HON. GUY MANGANO, as Presiding
Justice of the Appellate Div.,
Second Dept., et al.,

Respondents.

NOTICE OF ENTRY

ROBERT ABRAMS,

Attorney General

Attorney for..... Respondents

Office and Post Office Address
120 Broadway, New York, N.Y. 10271

Tel. (212) 416-8569

Personal service of a copy of

within.....

is admitted this.....*day of*

..... 19

