

SUPREME COURT OF THE STATE OF NEW YORK
APPELLATE TERM : 9th and 10th JUDICIAL DISTRICTS

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PRESENT : NICOLAI, P.J., MOLIA and IANNACCI, JJ.

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JOHN McFADDEN,

Respondent,

-against-

NO. 2009-148 W C

DECIDED

DORIS L. SASSOWER,

Tenant,

-and-

ELENA SASSOWER,

Appellant.

PATRICIA LUPI,

Non-party Respondent.
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Appeal from an order of the City Court of White Plains, Westchester County (JoAnn Friia, J.), dated October 14, 2008. The order, among other things, denied appellant's motion to compel Patricia Lupi, the Chief Clerk of the City Court of White Plains to perform various official duties.

ORDERED that the order is affirmed with \$10 costs.

Appellant moved for, among other things, an order compelling the Chief Clerk of the City Court of White Plains to discharge certain official duties. As noted by the City

SM-1

EX M-1

RE: JOHN McFADDEN v DORIS L. SASSOWER and ELENA SASSOWER

PATRICIA LUPI
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Court, the relief sought was in the nature of mandamus under article 78 of the CPLR, and the court was without jurisdiction to entertain appellant's application (CPLR 7804 [b]). We find no merit to appellant's request for a referral of the matter for "disciplinary and criminal investigation." Accordingly, the order is affirmed.

Molia and Iannacci, JJ., concur.

Nicolai, P.J., taking no part.