

6/25/99

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

-----X

MICHAEL MANTELL,

Index No.: 108655/99

Petitioner,

-against-

NEW YORK STATE COMMISSION ON JUDICIAL
CONDUCT,

Respondent.

-----X

RESPONDENT'S MEMORANDUM OF LAW IN
SUPPORT OF THE CROSS-MOTION TO
DISMISS THE AMENDED PETITION

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EX F-2

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Preliminary Statement

This memorandum of law is respectfully submitted on behalf of the Commission on Judicial Conduct of the State of New York ("Commission") in support of the cross-motion to dismiss the amended petition pursuant to Rule 3211 and Section 7804 of the New York Civil Practice Law and Rules ("CPLR").¹ Petitioner, Michael Mantell, brings this proceeding pursuant to Article 78 of the CPLR seeking an order compelling the Commission to conduct an investigation of the Honorable Donna G. Recant, Justice of the

* } ¹Any challenge that petitioner may raise to the authority of the Attorney General to represent the Commission in this proceeding is not proper. The Commission is entitled to such representation and the Attorney General is statutorily authorized to defend this proceeding. Executive Law 63(1); Sassower v. Signorelli, 99 A.D.2d 358 (2d Dept. 1984).