

Supreme Court of the State of New York
Appellate Division: Second Judicial Department

D14546
C/gts

_____AD3d_____

ROBERT W. SCHMIDT, J.P.
ROBERT A. SPOLZINO
ANITA R. FLORIO
PETER B. SKELOS, JJ.

2007-01397

DECISION & JUDGMENT

In the Matter of Carol Diaz-Kamen, petitioner,
v Donald R. Blydenburgh, etc., et al., respondents.

Arnold B. Firestone, P.C., Hauppauge, N.Y., for petitioner.

Andrew M. Cuomo, Attorney General, New York, N.Y. (Monica A. Connell of
counsel), for respondents.

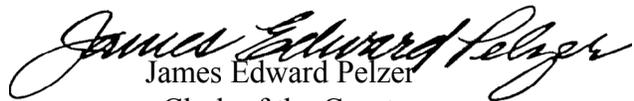
Proceeding pursuant to CPLR article 78 in the nature of mandamus to compel the
respondent Donald R. Blydenburgh, a Justice of the Supreme Court, Suffolk County, to issue a
written decision with respect to certain matrimonial issues.

ADJUDGED that the petition is denied and the proceeding is dismissed, without costs
or disbursements.

The extraordinary remedy of mandamus will lie only to compel the performance of a
ministerial act and only when there exists a clear legal right to the relief sought (*see Matter of Legal
Aid Society of Sullivan County v Scheinman*, 53 NY2d 12, 16). The petitioner has failed to
demonstrate a clear legal right to the relief sought.

SCHMIDT, J.P., SPOLZINO, FLORIO and SKELOS, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court

April 3, 2007

MATTER OF DIAZ-KAMEN v BLYDENBURGH