

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

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_____AD3d_____

HOWARD MILLER, J.P.
WILLIAM F. MASTRO
ROBERT A. LIFSON
EDWARD D. CARNI, JJ.

2007-03513

DECISION & JUDGMENT

In the Matter of Tina Paul, petitioner,
v Tammy S. Robbins, etc., et al., respondents.

Bejamin B. Petrofsky, Mineola, N.Y., for petitioner.

Andrew M. Cuomo, Attorney General, New York, N.Y. (Charles F. Sanders of counsel), for respondent Tammy S. Robbins.

Kathleen M. Rice, District Attorney, Mineola, N.Y. (Anne T. Donnelly of counsel), respondent pro se.

Proceeding pursuant to CPLR article 78 in the nature of prohibition, inter alia, in effect, to prohibit the respondents from enforcing an order of the Supreme Court, Nassau County, dated February 14, 2007.

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

"Because of its extraordinary nature, prohibition is available only where there is a clear legal right, and then only when a court - in cases where judicial authority is challenged - acts or threatens to act either without jurisdiction or in excess of its authorized powers" (*Matter of Holtzman v Goldman*, 71 NY2d 564, 569; see *Matter of Rush v Mordue*, 68 NY2d 348, 352). The petitioner has failed to demonstrate a clear legal right to the relief sought.

MILLER, J.P., MASTRO, LIFSON and CARNI, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

September 11, 2007

MATTER OF PAUL v ROBBINS