

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

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REINALDO E. RIVERA, J.P.
PETER B. SKELOS
FRED T. SANTUCCI
JOHN M. LEVENTHAL, JJ.

2008-00643

DECISION & JUDGMENT

In the Matter of Stuart Meltzer, petitioner,
v Robert Ross, etc., et al., respondents.

Stuart Meltzer, Brooklyn, N.Y., petitioner pro se.

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

James E. Flood, Jr., Massapequa, N.Y., respondent pro se.

Karen G. Brand, Manhasset, N.Y., for respondent Pamela Meltzer.

Proceeding pursuant to CPLR article 78 in the nature of mandamus, inter alia, to compel Robert Ross, a Justice of the Supreme Court, Nassau County, to allow the petitioner, who is represented by an attorney, to present portions of his case pro se in an action entitled *Meltzer v Meltzer*, pending in the Supreme Court, Nassau County, under Index No. 203425/05.

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 (*see People v Rodriguez*, 95 NY2d 497, 501-502).

RIVERA, J.P., SKELOS, SANTUCCI and LEVENTHAL, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

March 25, 2008

MATTER OF MELTZER v ROSS