

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

D30341
G/kmb

_____AD3d_____

DANIEL D. ANGIOLILLO, J.P.
ANITA R. FLORIO
L. PRISCILLA HALL
ROBERT J. MILLER, JJ.

2011-00765

DECISION & JUDGMENT

In the Matter of Gail Sobel, petitioner, v Robert A.
Ross, etc., et. al, respondents.

Douglas M. Reda, Woodbury, N.Y., for petitioner.

Eric T. Schneiderman, Attorney General, New York, N.Y. (Susan Anspach of
counsel), for respondent Robert A. Ross.

Wand, Powers & Goody, LLP, Huntington, N.Y. (Jennifer H. Goody of counsel), for
respondent Mark B. Lew.

Proceeding pursuant to CPLR article 78 in the nature of mandamus, inter alia, to
compel the respondent, Robert A. Ross, a Justice of the Supreme Court, Nassau County, to transfer
the venue of an action entitled *Sobel v Sobel*, pending in the Supreme Court, Nassau County, under
Index No. 008596/03, from Nassau County to Queens County.

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 Socy. of Sullivan County v Scheinman*, 53 NY2d 12, 16). The petitioner has failed to
demonstrate a clear legal right to the relief sought.

ANGIOLILLO, J.P., FLORIO, HALL and MILLER, JJ., concur.

ENTER:


Matthew G. Kiernan

March 8, 2011

MATTER OF SOBEL v ROSS

Clerk of the Court

March 8, 2011

MATTER OF SOBEL v ROSS