

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

D30978  
Y/kmb

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MARK C. DILLON, J.P.  
JOHN M. LEVENTHAL  
CHERYL E. CHAMBERS  
SHERI S. ROMAN, JJ.

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2011-00720

DECISION & JUDGMENT

In the Matter of Marianne Rosner, petitioner, v  
Supreme Court of Nassau County, et al., respondents.

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Thomas F. Liotti, Garden City, N.Y., for petitioner.

Eric T. Schneiderman, Attorney General, New York, N.Y. (Charles F. Sanders of counsel), respondent pro se, and for respondents Supreme Court of Nassau County, Anthony Marano, Robert A. Ross, Norman St. George, and Stanley Gartenstein.

Andrew Rosner, Garden City, N.Y., respondent pro se.

Proceeding pursuant to CPLR article 78 in the nature of mandamus, inter alia, to compel Robert A. Ross, a Justice of the Supreme Court, Nassau County, to require the respondent Stanley Gartenstein, a Judicial Hearing Officer in the Supreme Court, Nassau County, to proceed with the trial in a matter entitled *Rosner v Rosner* pending in that court under Index No. 201865/06.

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.

DILLON, J.P., LEVENTHAL, CHAMBERS and ROMAN, JJ., concur.

ENTER:

  
Matthew G. Kiernan  
Clerk of the Court

April 26, 2011

MATTER OF ROSNER v SUPREME COURT OF NASSAU COUNTY