

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

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_____AD3d_____

JOSEPH COVELLO, J.P.
CHERYL E. CHAMBERS
PLUMMER E. LOTT
ROBERT J. MILLER, JJ.

2011-03872

DECISION & JUDGMENT

In the Matter of Eyal Cohen, petitioner, v Robert A.
Ross, etc., respondent.

Eyal Cohen, Port Washington, N.Y., petitioner pro se.

Eric T. Schneiderman, Attorney General, New York, N.Y. (Mary Y. J. Kim of
counsel), for respondent.

Proceeding pursuant to CPLR article 78, in the nature of prohibition to prohibit the
respondent, Robert A. Ross, a Justice of the Supreme Court, Nassau County, from presiding over
a hearing in an action entitled *Cohen v Cohen*, pending in the Supreme Court, Nassau County, under
Index No. 200455/07.

ADJUDGED that the petition is denied and the proceeding is dismissed on the merits,
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 wither 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 failed to demonstrate a clear legal right to the relief sought.

COVELLO, J.P., CHAMBERS, LOTT and MILLER, JJ., concur.

ENTER:



Matthew G. Kiernan
Clerk of the Court

May 3, 2011

MATTER OF COHEN v ROSS