

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

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MARK C. DILLON, J.P.  
RANDALL T. ENG  
LEONARD B. AUSTIN  
SANDRA L. SGROI, JJ.

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2012-03629

DECISION, ORDER & JUDGMENT

In the Matter of Rosemary Chinye Okolie Toriola,  
petitioner, v Lee A. Mayersohn, etc., respondent.

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Rosemary Chinye Okolie Toriola, Corona, N.Y., petitioner pro se.

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

Proceeding pursuant to CPLR article 78, inter alia, in the nature of mandamus to  
compel the respondent, Lee A. Mayersohn, a Justice of the Supreme Court, Queens County, to  
conduct a hearing in a proceeding entitled *Matter of Theresa O. (Anonymous)*, pending in that court  
under Index No.14286/09, and application by the petitioner for poor person relief.

ORDERED that the application for poor person relief is granted to the extent that  
the filing fee imposed by CPLR 8022(b) is waived, and the application is otherwise denied; and it  
is further,

ORDERED that on the Court's own motion, the petitioner is enjoined from making  
any additional motions or commencing any additional proceedings in this Court regarding the  
proceeding entitled *Matter of Theresa O. (Anonymous)*, pending in the Supreme Court, Queens  
County, under Index No.14286/09, without leave of this Court; and it is further,

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

The extraordinary remedy of mandamus will lie only to compel the performance  
of a ministerial act, and only where 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

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demonstrate a clear legal right to the relief sought.

DILLON, J.P., ENG, AUSTIN and SGROI, JJ., concur.

ENTER:

  
Aprilanne Agostino  
Clerk of the Court