

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

D57755
T/htr

_____AD3d_____

ALAN D. SCHEINKMAN, P.J.
REINALDO E. RIVERA
SYLVIA O. HINDS-RADIX
BETSY BARROS, JJ.

2018-12846

DECISION & JUDGMENT

In the Matter of Phillip J. Patouhas, petitioner, v John P. Colangelo, etc., et al., respondents.

Philip J. Patouhas, Rye, NY, petitioner pro se.

The Kitson Law Firm, PLLC, White Plains, NY (Dina S. Kaplan of counsel), for respondent Christine Patouhas.

Proceeding pursuant to CPLR article 78, inter alia, in the nature of prohibition to prohibit the respondent Honorable John P. Colangelo, a Justice of the Supreme Court, Westchester County, from presiding over a trial in an action entitled *Patouhas v Patouhas*, pending in the Supreme Court, Westchester County, under Index No. 52354/16.

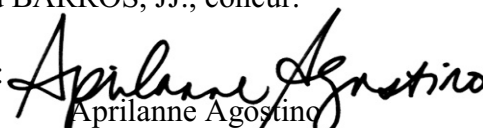
ADJUDGED that the petition is denied and the proceeding is dismissed, without costs or disbursements.

“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 either 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 has failed to establish a clear legal right to the relief sought.

SCHEINKMAN, P.J., RIVERA, HINDS-RADIX and BARROS, JJ., concur.

ENTER:


Aprilanne Agostino
Clerk of the Court

December 26, 2018

MATTER OF PATOUHAS v COLANGELO