STATE OF NEW YORK
COURT OF APPEALS

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ELENA RUTH SASSOWER, Coordinator of of the Center for Judicial Accountability, Inc., acting pro bono publico,

Petitioner-Appellant,

-against-

COMMISSION ON JUDICIAL CONDUCT OF THE STATE OF NEW YORK,

Respondent-Respondent.

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Motion No. 581

NOTICE OF ENTRY

PLEASE TAKE NOTICE that annexed hereto is a true copy of a Decision entered in the office of the office of the Clerk of the Court of Appeals of the State of New York, Albany, New York, 12207-1095, on September 12, 2002.

Dated: New York, New York
September 19, 2002

ELIOT SPITZER
Attorney General of the
State of New York
Attorney for Respondent-Respondent
120 Broadway
New York, New York 10271
By:

Carol Fischer
Assistant Solicitor General

To:

ELENA RUTH SASSOWER
P.O. Box 69, Gedney Station
White Plains, New York
Petitioner-Appellant pro bono

Ex "B-1"

State of New York,
Court of Appeals

At a session of the Court, held at Court of Appeals Hall in the City of Albany on the twelfth *day of* September 2002

Present, HON. JUDITH S. KAYE, *Chief Judge, presiding.*

Mo. No. 581
Elena Ruth Sassower, &c.,
Appellant,
v.
Commission on Judicial Conduct
of the State of New York,
Respondent.

A motion seeking disqualification of Chief Judge Kaye and Judges Smith, Levine, Ciparick, Rosenblatt and Graffeo, and an application seeking recusal in the above cause having heretofore been made upon the part of the appellant herein and papers having been submitted thereon and due deliberation having been thereupon had, it is

ORDERED, that the said motion, insofar as it seeks disqualification of Judge Rosenblatt, be and the same hereby is dismissed as academic; and it is

ORDERED, that the said motion, insofar as it seeks disqualification of Chief Judge Kaye and Judges Smith, Levine, Ciparick and Graffeo, be and the same hereby is dismissed upon the ground that the Court has no authority to entertain the motion made on nonstatutory grounds. The application seeking recusal is referred to the Judges for individual consideration and determination by each Judge.

Chief Judge Kaye and Judges Smith, Levine, Ciparick, Wesley and Graffeo concur.

Judge Rosenblatt took no part.

Chief Judge Kaye and Judges Smith, Levine, Ciparick, Wesley and Graffeo each respectively denies the referred motion for recusal.

Stuart M. Cohen

Stuart M. Cohen
Clerk of the Court