

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

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In the Matter of the Application of  
The Honorable Lee L. Holzman,

Petitioner,

**AFFIRMATION IN  
OPPOSITION**

-against -

Index No. 108251/11

The Commission on Judicial Conduct,

Respondent,

For a Judgment Pursuant to Article 78  
of the Civil Practice Law and Rules.

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MARK LEVINE, an attorney duly authorized to practice in the courts of the State of New York, hereby affirms the following to be true under penalty of perjury:

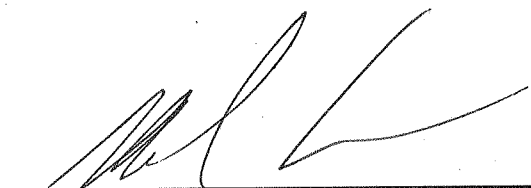
1. I am a Deputy Administrator for the New York State Commission on Judicial Conduct, and I submit this affirmation in opposition to petitioner's motion to renew.

2. With respect to petitioner's substantive arguments, we respectfully refer the Court to our memorandum of law filed simultaneously herewith, and the documents submitted by respondent in opposition to petitioner's original order to show cause, which are hereby incorporated by reference and attached hereto as Exhibit 1 for the Court's convenience.

3. With respect to the Court's inquiry into the procedural posture of Michael Lippman's criminal case, upon information and belief, based upon my conversation with an assistant district attorney in the Bronx County District Attorney's Office and my review of the Unified Court System's "eCourts" information services, the case of *People v. Michael Lippman* is next on the calendar in Supreme Court, Bronx County, Part 60, on September 20,

2011, for decision on the omnibus motions filed by the parties. Upon information and belief,  
no trial date has been set.

Dated: New York, New York  
September 15, 2011



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MARK LEVINE