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Part 5 of the Supreme Court of the State of New York, held in and for the County of New York, on the 12<sup>th</sup> day of September, 2011

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SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK  
**BARBARA JAFFE**  
J.S.C.

Hon. Barbara Jaffe

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

Index No. 108251/11

-against-

Petitioner,

**ORDER TO SHOW  
CAUSE**

The Commission on Judicial Conduct,

Respondent.

Oral Argument is  
Requested

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

UPON, the annexed affirmation of David Godosky, Esq., dated September 9, 2011, and the affidavit of Michael Lippman, sworn to on September 9, 2011 and, the proceedings had herein,

IT IS HEREBY ORDERED, that the Respondent, The Commission on Judicial Conduct (hereinafter "Commission") or counsel, <sup>appear and</sup> Show Cause at the Part 5 of the Supreme Court, New York County, located at 80 Centre Street, New York, New York, on the 21<sup>st</sup> day of September 2011, at 9:30 o'clock in the forenoon of that day, or as soon as thereafter the matter may be heard why an Order should not be entered granting Petitioner's application:

1. Pursuant to Article 78, directing the State Commission on Judicial Conduct to Dismiss the Complaint filed against Petitioner, without prejudice to re-file upon the conclusion of a related criminal trial or, in the alternative, directing a stay of the disciplinary proceedings against Petitioner pending the conclusion of a related criminal trial;

2. That pending the hearing and determination of this application, the Respondent, The Commission on Judicial Conduct be enjoined from proceeding with the prosecution of the Petitioner;
3. That the papers in this matter be sealed pursuant to §216.1 of the Uniform Rules for New York State Trial Courts and Judiciary Law §44(4).
4. For such other, further and different relief as this Court may seem just, proper and equitable.

IT IS FURTHER ORDERED, that pending a hearing on this application for a stay of the proceedings before the Commission that a temporary stay of the proceedings set to commence on Monday, September 12, 2011 is issued until <sup>Sept 20, 2011</sup> such time as this application is fully and finally determined; and

~~IT IS FURTHER ORDERED that the Respondent be enjoined and restrained from proceeding with the matter before the Commission against the Petitioner, and,~~

~~IT IS FURTHER ORDERED that this proceeding and all papers submitted for the court's consideration be permanently sealed as it relates directly to a matter before the Commission which is sealed unless a finding against the Petitioner is made therein. That the Clerk of the Court is to restrict the Court file to everyone except the parties, their attorneys and Court personnel.~~

This is a special proceeding for a Writ of Mandamus and/or a Writ of Prohibition.

LET service of a copy of the Order, the Petition and Supporting documents upon which it is granted by \_\_\_\_\_, upon the Commission On Judicial Conduct at 61 Broadway, New York, NY, and Eric Schneiderman, The Attorney General at 120 Broadway, New York, NY, on or before September 13, 2011 be deemed good and sufficient service.

*B*  
BARBARA JAFFE  
J.S.C.

BARBARA JAFFE  
J.S.C.

J.S.C.

~~Pending the hearing of this motion~~

5-9.c.

BARBARA JAFFE  
J.S.C.  
on Comment

3-5.c.

*Response papers to be filed or served on or before Sept 16 2011*

*Return date Sept 21 at 2:30*

A previous application for the relief demanded herein has been made to this court and Judge who determined that said application was premature. It is no longer premature as per the Order of Judge Barbara Jaffe annexed hereto.



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J.S.C.  
**BARBARA JAFFE**  
J.S.C.

SEP 12 2011