

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.....twenty-second.....day
of.....September..... 1998

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

Mo. No. 1075
Robert L. Schulz, et al.,
Appellants,
v.
The New York State Legislature,
et al.,
Respondents.
The City of New York et al.,
Intervenors-Respondents.

The appellants having filed a notice of appeal and a motion to disqualify Chief Judge Kaye and Judges Bellacosa, Levine and Ciparick in the above title and due consideration having been thereupon had, it is

ORDERED, that the said motion to disqualify Chief Judge Kaye and Judges Bellacosa, Levine and Ciparick 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 (see, Matter of Sims v State Commn. on Judicial Conduct, 62 NY2d 884; New York Criminal and Civil Courts Bar Assn. v State of New York, 46 NY2d 730; Matter of Waltemade, 37 NY2d [11]).

EX-2-1

September 22, 1998

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

Chief Judge Kaye and Judges Bellacosa, Levine and Ciparick each respectively denies the referred motion for disqualification.

And it is

ORDERED, on the Court's own motion, that the appeal be and the same hereby is dismissed, without costs, upon the ground that no substantial constitutional question is directly involved. All concur.

Stuart M. Cohen

Stuart M. Cohen
Clerk of the Court