

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

-----X Index No. 108251/11

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

Petitioner,

-against-

The Commission on Judicial Conduct,

Respondent.

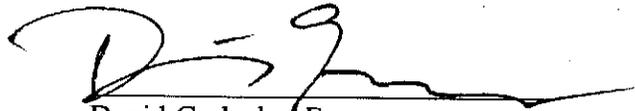
**ORDER WITH NOTICE
OF ENTRY**

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

-----X
PLEASE TAKE NOTICE, that the within is a true copy of the Decision and Order
dated September 21, 2011, entered in the office of the Clerk of the within named Court on
September 22, 2011.

Dated: New York, New York
September 30, 2011

GODOSKY & GENTILE, P.C.



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TO:

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RECEIVED
SEP 30 2011
NYS COMMISSION ON
JUDICIAL CONDUCT - NYC

SUPREME COURT OF THE STATE OF NEW YORK — NEW YORK COUNTY
PRESENT: Hon. BARBARA JAFFE
Justice

PART 5

9/21/11
In the Matter of the Application of the
Honorable Lee L. Holtzman,

INDEX NO. 108251/11

Petitioner,

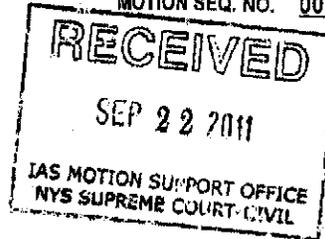
MOTION DATE 9/21/11

-v-

MOTION SEQ. NO. 002

The Commission on Judicial Conduct,

Respondent.



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

The following papers, numbered, were read on this motion to renew:

Notice of Motion/ Order to Show Cause -- Affidavits -- Exhibits ...

Answer -- Affidavits -- Exhibits

Replying Affidavits

PAPERS NUMBERED

1

2, 3

Cross-Motion: Yes No

By order to show cause dated September 12, 2011, petitioner moves for an order staying the disciplinary proceeding presently pending. Respondent opposes.

Although petitioner now offers the affidavit of Michael Lippman, who attests that he will invoke his fifth amendment right against self-incrimination if called as a witness in petitioner's disciplinary proceeding given the criminal case presently pending against him in Supreme Court, Bronx County, the absence of the affidavit was not the sole ground for the denial of petitioner's motion for a stay. Moreover, having temporarily stayed the instant matter on September 12, 2011 for 10 days given the parties' representation that the criminal trial of Michael Lippman was scheduled to commence on September 20, 2011, and as the criminal case was not scheduled for trial but for a decision on the omnibus motion, and as the criminal trial will not go forward until November 1, 2011 at the earliest, and likely not until January 2012, it is hereby

ORDERED that petitioner's motion for a stay of the disciplinary proceeding is denied.

Dated: 9/21/11

J.S.C.

BARBARA JAFFE
J.S.C.

Check one: FINAL DISPOSITION NON-FINAL DISPOSITION

Check if appropriate: DO NOT POST REFERENCE

FILED

SEP 22 2011

CLERK OF THE COURT
JULY CLERK'S OFFICE

MOTION/CASE IS RESPECTFULLY REFERRED TO
JUSTICE
DATED: