

Appellate Division, Fourth Judicial Department

CA 23-00161

PRESENT: WHALEN, P.J., SMITH, PERADOTTO, LINDLEY, AND CURRAN, JJ.

MEDICAL PROFESSIONALS FOR INFORMED CONSENT, INC., KRISTEN ROBILLARD, M.D., ZARINA HERNANDEZ-SCHIPPLICK, M.D., MARGARET FLORINI, A.S.C.P., OLYESYA GIRICH, RT (R) AND ELIZABETH STORELLI, R.N., PETITIONERS-PLAINTIFFS-RESPONDENTS,

V

MARY T. BASSETT, IN HER OFFICIAL CAPACITY AS COMMISSIONER OF HEALTH FOR STATE OF NEW YORK, KATHLEEN C. HOCHUL, IN HER OFFICIAL CAPACITY AS GOVERNOR OF STATE OF NEW YORK AND NEW YORK STATE DEPARTMENT OF HEALTH, RESPONDENTS-DEFENDANTS-APPELLANTS.

Respondents-defendants-appellants having moved pursuant to CPLR 5519 [c] for a stay of enforcement in the appeal from an order of Supreme Court, Onondaga County, dated January 13, 2023,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is hereby ORDERED that the motion is granted, to the extent that Supreme Court's directive declaring 10 NYCRR § 2.61 (the Mandate), as being beyond the scope of Respondents' authority and therefore null, void, and of no effect, so that the Respondents, their agents, officers, and employees are prohibited from implementing or enforcing the Mandate, is hereby stayed pursuant to CPLR 5519 [c], on the condition that the appeal is perfected on or before March 20, 2023, and

It is further ORDERED that if so perfected by March 20, 2023, then the appeal shall be added to the term of this Court commencing May 15, 2023.

Entered: February 27, 2023

Ann Dillon Flynn
Clerk of the Court

Supreme Court
APPELLATE DIVISION
Fourth Judicial Department
Clerk's Office, Rochester, N.Y.



I, ANN DILLON FLYNN, Clerk of the Appellate Division of the Supreme Court in the Fourth Judicial Department, do hereby certify that this is a true copy of the original document, now on file in this office.



IN WITNESS HEREOF, I have hereunto set my
hand and affixed the seal of said Court at the City
of Rochester, New York, this **FEB 28 2023**

Ann Dillon Flynn

Clerk