

SUPREME COURT OF THE STATE OF NEW YORK  
APPELLATE DIVISION: THIRD DEPARTMENT  
-----X

NEW YORK STATE DEPARTMENT OF HEALTH 28  
d.  
of  
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Case No: 500381

In the Matter of

JEFFREY S. SCHWARTZ, M.D.,

Petitioner,

**NOTICE OF ENTRY  
WITH DECISION AND  
ORDER ON MOTION**

-against-

NEW YORK STATE DEPARTMENT OF HEALTH and  
ANTONIA C. NOVELLO, M.D., M.P.H., as the  
Commissioner of the New York State  
Department of Health,

Respondents.

For a judgment pursuant to Article 78 of the  
Civil Practice Law and Rules.  
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PLEASE TAKE NOTICE that the attached is a true and complete  
copy of the Decision and Order on Motion of the Court (Crew, J.P.  
and Carpinello, Mugglin, Lahtinen and Kane, JJ.) that was duly  
entered and filed in the Office of the Clerk of the Appellate  
Division, Third Judicial Department, on May 16, 2006.

Dated: New York, New York  
May 19, 2006

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*Supreme Court, Appellate Division  
Third Judicial Department*

Decided and Entered: May 16, 2006

Case # 500381

**In the Matter of JEFFREY S.  
SCHWARTZ,**                      **Petitioner,**  
v

**DECISION AND ORDER  
ON MOTION**

**NEW YORK STATE DEPARTMENT  
OF HEALTH et al.,**              **Respondents.**

Motion for stay pending determination of proceeding.

Upon the papers filed in support of the motion and the papers filed in opposition thereto, it is

**ORDERED** that the motion is denied, without costs.

**CREW, J.P., CARPINELLO, MUGGLIN, LAHTINEN and KANE, JJ., concur.**

**ENTER:**

REDACTED

**Michael J. Novack  
Clerk of the Court**