

P R E S E N T: HON. BERNARD J. MALONE JR.
ASSOCIATE JUSTICE

STATE OF NEW YORK
APPELLATE DIVISION THIRD DEPARTMENT

In the Matter of Fadi J. Bejjani,

Petitioner,

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

v.

NIRAV R. SHAH, Commissioner of the New York
State Department of Health; and, THE NEW YORK
STATE DEPARTMENT OF HEALTH; THE STATE
OF NEW YORK; and, THE ATTORNEY GENERAL
OF THE STATE OF NEW YORK; and, THE NEW
YORK STATE BOARD FOR PROFESSIONAL
MEDICAL CONDUCT,

Respondents.

ORDER TO SHOW
CAUSE

UPON READING AND FILING the annexed Petition of the Petitioner, Fadi J. Bejjani, verified on the 20th day of September, 2011 and the Affidavit of Anthony J. LaFache, Esq., attorney for Petitioner, sworn to on the 20th day of September, 2011, the Determination and Order BPMC #11219, executed on the 10th day of September, 2011, and upon all of the pleadings, exhibits and proceedings heretofore had herein, it is hereby

ORDERED, that the Respondents, and each of them, named in the above-entitled proceeding *SHOW CAUSE* before this Court at a term thereof to be held at the Justice Building, Albany, New York, on the 24th day of October, 2011, at 10:00 o'clock in the forenoon of that day or as soon thereafter as counsel may be heard, *WHY* a Judgment should not be made and entered herein pursuant to Article 78 of the CPLR and Section

230-c(5) of the New York State Public Health Law, setting aside and annulling the Determination and Order hereinabove referred to, upon the grounds that such is irrational, arbitrary and capricious in nature, and not substantiated by the evidence and, further, that the penalty imposed is excessive and shocking to the conscience; and, for a further Order, based upon the grounds set forth in the New York State Public Health Law, Section 230-c(5), ***STAYING*** the imposition of the two-month suspension, as well as the requirement of chaperoning, pending the determination of this Article 78 proceeding; and, it is further

ORDERED, pending the hearing and determination of the Motion brought on by this Order to Show Cause, the imposition of the penalty of a two-month suspension of Petitioner's license to practice medicine in New York State, as well as the requirement that Petitioner be chaperoned, are hereby ***STAYED***; and, it is further

ORDERED that the Motion brought on by this Order to Show Cause shall not be orally argued unless counsel are notified to the contrary by the Clerk of the Court.

LET SERVICE OF A COPY OF THIS ORDER TO SHOW CAUSE and the papers upon which it is based, by personal delivery or overnight mail, ~~return receipt requested, of this Order to Cause and the papers upon which is based,~~ upon the Office of Counsel for the New York State Department of Health, Corning Tower, Empire State Plaza, Albany, New York 12237; and, upon the Office of the New York State Attorney General, Litigation Bureau, 120 Broadway, 24th Floor, New York, New York, 10271, on or before the 27th day of September, 2011, shall be deemed to be good and sufficient service.

Dated: At ^{Albany,} ~~Utica,~~ New York, this 23rd day of September, 2011.

ENTER:.

REDACTED

ASSOCIATE JUSTICE