

At a Term of the Supreme Court of the State of New York, Appellate Division, Third Department, at Albany, New York, on the 17th day of June, 2002.

PRESENT: HON. ROBERT S. ROSE
ASSOCIATE JUSTICE

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In the Matter of
MOSHE OSTAD, M.D.

Petitioner,

-against-

Index No. 91984

**ORDER TO SHOW
CAUSE WITH
TEMPORARY
RESTRAINING
ORDER**

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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UPON the Verified Petition, verified on June 25, 2002, the Affirmation of T. Lawrence Tabak, Esq., affirmed on June 25, 2002, and all exhibits annexed thereto,

LET respondents the 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, show cause before this Court at the Appellate Division, Third Department, to be held on the 29th day of July, 2002, at 9:30 o'clock in the forenoon of that day or as soon thereafter as counsel can be heard;

WHY an Order should not be made and entered pending the hearing and determination of

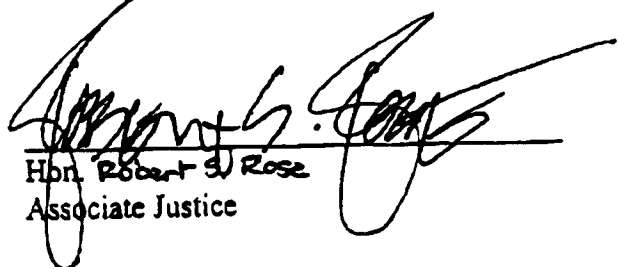
this proceeding staying and enjoining the New York State Department of Health from enforcing the terms of the Administrative Review Board Determination and Order No. 02-42 and why a judgment should not be made and entered annulling said Determination and Order No. 02-42; and it is further

ORDERED THAT, pending determination of the motion brought on by this Order to Show Cause, Respondents are temporarily enjoined from enforcing the terms of the Determination and Order No. 02-42 of the Administrative Review Board of the State Board of Professional Medical Conduct; and it is further

ORDERED that overnight mail service of a copy of this Order, together with the papers upon which it is based, upon the New York State Department of Health and Antonia C. Novello, M.D., M.P.H., as Commissioner of the New York State Department of Health, at the Department of Health Division of Legal Affairs in the Tower Building, Empire State Plaza, Albany, New York 12237, and on the Attorney General of the State of New York, Litigation Bureau, at 120 Broadway, 24th Floor, New York, New York 10271, on or before the 28th day of June, 2002, be deemed good and sufficient service., 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.

ENTER:


Hon. Robert S. Rose
Associate Justice