

PRESENT:

HONORABLE MICHAEL C. LYNCH, ASSOCIATE JUSTICE

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

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In the Matter of PAVEL KULIK, M.D.,

Petitioner,

For a Judgment and Order pursuant to Article 78
Of the Civil Practice Law and Rules

-against-

HOWARD A. ZUCKER, M.D., J.D. ACTING
COMMISSIONER of the NEW YORK STATE
DEPARTMENT OF HEALTH,

Respondent.
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Case No.:

**ORDER TO
SHOW CAUSE**

UPON the accompanying Verified Petition of PAVEL KULIK M.D. , dated the 9th day of April, 2015, the Affidavit of Pavel Kulik, M.D. sworn to the 9th day of April, 2015, the annexed Affirmation in Support of JEFFREY A. GRANAT, ESQ., dated the 9th day of April, 2015 , and the exhibits attached thereto, pursuant to N.Y. Pub. Health Law §230-c (5), and upon due consideration, it is hereby:

ORDERED that Respondent Howard A. Zucker, M.D., J.D. Acting Commissioner, New York State Department of Health and the Hearing Committee of the State Board for Professional Medical Conduct show cause at a Term of this Court to be held at Supreme Court of the State of New York, Appellate Division, Third Department, at the Abrams Building, Empire State Plaza, Albany, New York, on the 8th day of *May*, 2015, at 9:30 a.m. o'clock in the forenoon of that day, or as soon thereafter as counsel may be heard, why a Judgment and an Order should not be granted and entered by this Court:

A. Vacating and annulling Respondents' Determination and Order (No.: BPMC 15-064; annexed as Exhibit "A"), which revoked the Petitioner's license to practice medicine in the State of New York.

B. Staying Respondents from enforcing the Determination and Order pending the hearing and final determination of the instant proceeding brought on by this Order to Show Cause,

C. Directing Respondents to update the public record referring to its Determination and Order, to reflect the Stay and

D. Granting such other, further and different relief as this Court may deem just and proper.

SUFFICIENT CAUSE APPEARING THEREFORE,

Pending the hearing and determination of the motion brought on by this order to show cause, it is

ORDERED that Respondents are hereby enjoined and stayed from enforcing the Determination and Order and it is;

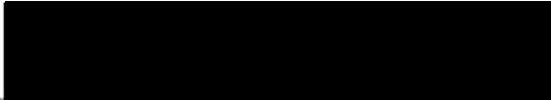
FURTHER ORDERED that Respondents are directed to update the public record referring to its Determination and Order, to reflect the temporary Stay.

Let service by overnight express mail of a copy of this Order, together with the papers on which it is based, upon:

- a. Eric T. Schneiderman, , Attorney General of the State of New York, Litigation Bureau, located at 120 Broadway, 24th Floor, New York, New York 10271, and upon
- b. Division of Legal Affairs of the New York State Department of Health located at Corning Tower, The Governor Nelson A. Rockefeller Empire State Plaza, Albany, New York 12237, on or before the 15th day of April, 2015 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.

Dated: Albany, New York
April 10, 2015


ASSOCIATE JUSTICE
APPELLATE DIVISION, THIRD DEPARTMENT