

ORIGINAL

Special Term
At ~~145~~ Part 10 of the
Supreme Court of the State of
New York, held in and for
the County of Suffolk at the
Courthouse located at ~~60~~ *1 Court St*
~~Centre Street~~, New York, NY
10007 on the 7th Day of
December, 2021.

HON. JOSEPH A. SANTORELLI

PRESENT:

~~HON.~~

~~JUSTICE OF THE SUPREME COURT~~

JSC

LAURA KELLY, KRISTEN PERDIE,
and all other individuals similarly situated,

Index No. 622545/2021

Plaintiffs/Petitioners

-against-

ORDER TO SHOW CAUSE
SEEKING PRELIMINARY
RELIEF

STONY BROOK UNIVERSITY HOSPITAL, NEW YORK
STATE DEPARTMENT OF HEALTH, and HOWARD A.
ZUCKER, Commissioner of the New York State Department
of Health, in his official capacity,

Defendants/Respondents

PLEASE TAKE NOTICE, that upon review of the Verified Article 78 Petition and Complaint, the annexed affidavits of Plaintiffs/Petitioners, Laura Kelly and Kristen Perdie, dated November 17, 2021, together with exhibits attached thereto; together with the affirmation of Patricia Finn, Esq., attorney for the Petitioners/Plaintiffs Kelly and Perdie, and all others similarly situated, dated November 30, 2021, the accompanying Memorandum of Law, and all papers and proceedings had herein and between the parties, sufficient cause appearing thereof,

LET Respondents\Defendants, Stony Brook University Hospital, New York State Department of Health, and Howard A. Zucker, Commissioner of the New York State Department of Health, in his official capacity, show cause before IAS Part of this Court, appearances virtually, or as Per Part 20 Rules , located at 1 Court Street, Riverhead, New York 11901, in Room _____ thereof, on the 22nd day of December, 2021 at _____ M., or as soon thereafter as counsel may be heard, why an Order should not be entered by this Court, pending hearing and determination of the within proceeding:

1. Staying enforcement of DOH's Emergency Regulation 6.2 mandating vaccination of employees of covered entities, including Respondent/Defendant, Stony Brook ("8/26/21 Emergency Regulation") signed by Respondent Howard A. Zucker, M.D.;
2. Staying Stony Brook's implementation of DOH's Emergency Regulation 6.2;
3. granting such other and further relief as this court deems just and proper.

ORDERED, that pending the hearing and determination on this application, the Respondents\Defendants, Stony Brook University Hospital, New York State Department of Health, and Howard A. Zucker, Commissioner of the New York State Department of Health, in his official capacity, and their agents, servants, employees, attorneys, representatives, assignees, be and thereby are, enjoined and restrained from enforcing and/or implementing, DOH's 8/26/21 Emergency Regulation 6.2 mandating vaccination of employees of covered entities, including Respondent/Defendant, Stony Brook.

SUFFICIENT CAUSE appearing thereof, let service of a copy of this order, and any other papers upon which this order is granted, made upon Stony Brook University Hospital, New York State Department of Health, and Howard A. Zucker, Commissioner of the New York State Department of Health, in his official capacity, by serving the New York State Attorney General,

Letitia James, Suffolk County Regional Office, 300 Motor Parkway, Suite 230

Hauppauge, NY 11788, by fax at (631) 435-4757 and/or electronically via the electronic mail

on or before December 14, 2021.


address for service provided by the Attorney General's Office, if any; ~~and it is further~~

~~ORDERED, that answering papers, if any, shall be served upon Petitioners/Plaintiffs counsel, Patricia Finn, Attorney P.C., 58 East Route 59 Nanuet, NY 10954, and filed with the Court so as to be received in hand by BOTH the Court and Plaintiff's counsel no later than _____M. on _____, 2021. Reply papers, if any, shall be served upon Plaintiff's counsel and filed with the Court so as to be received in hand by BOTH the Court and Plaintiff's counsel no later than _____M. on _____, 2021 and it is further~~

~~ORDERED, that Oral Argument on the temporary restraining order and preliminary injunction is hereby permitted via Webex, or other digital\remote method available, before this Court~~

DATED: December 7, 2021..

GRANTED
DEC - 7 2021
Judith A. Pascale
CLERK OF SUFFOLK COUNTY

ENTER,


J.S.C.
HON. JOSEPH A. SANTORELLI
JSC