

SUPREME COURT
STATE OF NEW YORK COUNTY OF ALBANY

In the Matter of
JOHN DOE, M.D.,

Petitioner,

TEMPORARY RESTRAINING
ORDER AND ORDER
TO SHOW CAUSE

Index No.

Upon reading and filing the Affidavit of John Doe, M.D., petitioner, and upon all papers heretofore served or filed and all proceedings had herein, it is hereby

ORDERED that the Respondent Board of Professional Medical Conduct, SHOW CAUSE at a Special Term of the Court to be held in and for the County of Albany at the Albany County Courthouse, Albany, New York, on the 18 day of ~~December~~ ^{January}, 2007, at 9:00 in the AM ^{PM} noon of that day or as soon thereafter as counsel can be heard why an order should not be granted providing for a preliminary injunction staying the penalty imposed by the Determination and Order of the committee on professional medical conduct and enjoining the State of New York and Department of Health from publishing the Determination and Order pertaining to petitioner in any forum and for an Order directing immediate removal of Determination and Order from the OPMC website, and for an order allowing petitioner to continue with this proceeding anonymously; and further for an Order and Determination that petitioner is entitled to an automatic stay pursuant to Public Health Law §230-C(4)(a), and it is further,

ORDERED that petitioner is hereby granted a temporary restraining order such that the State of New York and the Department of Health are hereby restrained from enforcing the

*(except for
Mid or High Forceps
Deliveries)* JST

12/6/07 Hearing Committee Determination and Order and any of the penalties contained therein and are restrained from making any of the subject matter of the Determination and Order available to the public, absent further, additional or alternative orders of this Court are forthcoming, and it is further,

ORDERED that service by delivery to the New York State Attorney General's Office in Albany, New York and on the Office of Counsel to the New York State Department of Health at Corning Tower in Albany, NY on or before December 13, 2007, shall be deemed good and sufficient service. JST

DATED: 12/13/07

*Answers papers are due 1/14/08
Reply papers are due 1/18/08*

Albright

Joseph C. Teresi
Hon. Joseph C. Teresi
Justice of the Supreme Court

ENTER:

In Albany County, except for Special Proceedings, original motion papers (and cross motion papers) shall be filed with the Supreme Court Clerk after paying the required motion filing fee to the Albany County Clerk. All answering papers shall be filed with the Supreme Court Clerk. Personal appearance on the motion is not required.

TO: State of New York
Department of Health
Bureau of Professional Medical Conduct
Room 2512, Corning Tower
Albany, NY 12237

New York State Attorney General
Department of Law
The Capitol
Albany, NY 12224-0341