

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF THE BRONX

-----X  
MARY McKINNEY and MECHLER HALL  
COMMUNITY SERVICES, INC.,

Plaintiffs,

-against-

THE COMMISSIONER OF THE NEW YORK STATE  
DEPARTMENT OF HEALTH; THE NEW YORK  
STATE DEPARTMENT OF HEALTH; and THE  
STATE OF NEW YORK,

Defendants.  
-----X

(J. Brigantti-Hughes)

Index No. 6034/07


**NOTICE OF APPEAL**

**PLEASE TAKE NOTICE** that defendants, The Commissioner of the New York State Department of Health, the New York State Department of Health and the State of New York, hereby appeal to the Appellate Division of the Supreme Court of the State of New York, First Department, from the Order signed on February 2, 2007 by the Honorable Mary Ann Brigantti-Hughes, Justice of the Supreme Court, County of Bronx, and entered in the office of the Bronx County Clerk on February 5, 2007. The appeal is from those portions of the Order granting a preliminary injunction in this matter.

**PLEASE TAKE FURTHER NOTICE** that, pursuant to CPLR 5519 (a)(1), service of this Notice of Appeal stays all proceedings to enforce those portions of the Order granting a preliminary injunction appealed from pending determination of this appeal.

Dated: New York, New York  
February 5, 2007

ANDREW M. CUOMO  
Attorney General of the State of New York  
Attorney for Defendants  
120 Broadway  
New York, NY 10271

By:   
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John Gasior  
Assistant Attorney General  
Of Counsel  
Telephone: (212) 416-8570

TO: Thomas E. Bezanson, Esq.  
Chadbourne & Parke LLP  
30 Rockefeller Center  
New York, New York 10112  
212-408-5100

Amanda Masters, Esq.  
New York Lawyers for the Public Interest  
151 West 30th Street  
New York, New York 10001  
212-244-4664

AN II

SUPREME COURT STATE OF NEW YORK  
COUNTY OF BRONX TRIAL TERM- PART 15



Present: Honorable Mary Ann Brigantti-Hughes

MARY MCKINNEY and MECHLER HALL  
COMMUNITY SERVICES, INC.,

ORDER

Index No.: 6034/07

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-against-

THE COMMISSIONER OF THE NEW YORK STATE  
DEPARTMENT OF HEALTH; THE NEW YORK  
STATE DEPARTMENT OF HEALTH; and THE STATE  
OF NEW YORK,

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FILED

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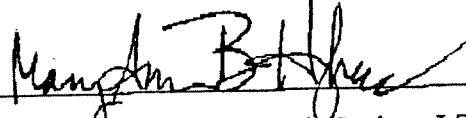
BRONX COUNTY CLERK'S OFFICE

IT IS HEREBY

**ORDERED**, that the preliminary injunction issued by this Court on January 3, 2007 is continued in full force and effect pending the Court's determination of Plaintiff's motion.

This constitutes the Decision and Order of this Court.

Dated: February 1, 2007



Hon. Mary Ann Brigantti-Hughes, J.S.C.



*Supreme Court Appellate Division  
First Department*

*27 Madison Avenue  
New York, N. Y. 10010  
212-340-0400*

*Catherine O'Hagan Wolfe  
Deputy Clerk*

October 8, 1993

Andrea Green, Esq.  
Deputy Solicitor General  
State of New York  
Department of Law  
120 Broadway  
New York, New York 10271

Dear Ms. Green:

I am in receipt of your letter dated July 16, 1993 requesting reaffirmation of the Court's policy regarding your office's participation in the preargument conference program.

As has been the practice since 1976, the Attorney General, appearing as an appellant before this Court, is not required to file a preargument statement or attend a preargument conference. When the Attorney General appears before the Court as a respondent, participation in the preargument process will be required as the Court deems appropriate.

Very truly yours,

A handwritten signature in cursive script that reads "Catherine O'Hagan Wolfe". The signature is fluid and matches the printed name below it.

Catherine O'Hagan Wolfe

CO'HW:bc