



*State of New York*  
*Court of Appeals*

*Stuart M. Cohen*  
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*Albany, New York 12207-1095*

NOTICE TO THE BAR

Amicus Curiae Participation

On September 15, 2009 the Court of Appeals granted leave to appeal in Matter of Wooley v. New York State Department of Correctional Services, a CPLR article 78 proceeding challenging the denial of petitioner's grievance to compel prison facility medical personnel to provide him with certain medication to treat his hepatitis C. Petitioner's treating physicians held the view that placing him on a maintenance dose of the medication would be a reasonable strategy to stave off progression of his disease, but the requested treatment was not approved by the Food and Drug Administration and no long-term studies documented its effectiveness. The Appellate Division held that respondent's refusal to prescribe the requested medication was not arbitrary and capricious, affected by an error of law, or deliberately indifferent to petitioner's serious medical needs. The Appellate Division decision appears at 61 AD3d 1189, 876 NYS2d 568.

The Court invites amicus curiae participation from those qualified and interested.

Amicus motions must comply with section 500.23 of the Rules of the Court of Appeals. The text of the Rule is available on the Court's internet web site at:

<http://www.courts.state.ny.us/ctapps/500rules08.htm>.

Questions may be directed by telephone to the Clerk's Office at (518) 455-7705.

September 15, 2009

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