



-2-

October 2, 2009, Joan Meyer sworn to on October 2, 2009, Kimberly Meyer sworn to on October 2, 2009, Jonathan Rosen sworn to on October 15, 2009, the annexed affirmation of Ira Paul Rubtchinsky, Esq., dated October 15, 2009, and the exhibits attached to the above-referenced Petition, affidavits, affirmation and proceedings heretofore had herein,

LET THE RESPONDENTS SHOW CAUSE before this Court, at the Albany County Court House, 16 Eagle Street, Albany, 12207, on the 30 day of October, 2009, at 9:30 o'clock in the forenoon, or as soon thereafter as counsel may be heard, why an Order should not be entered, pursuant to *CPLR* §§6301 *et seq.*, restraining and enjoining respondents from implementing and enforcing Title 10 *NYCRR* [HEALTH] Subpart 66-3 with respect to any health care personnel in New York State.

LET THE RESPONDENTS FURTHER SHOW CAUSE before this Court at a Special Term to be held in and for the County of Albany at the Albany County Court House, 16 Eagle Street, Albany, 12207, on the 30 day of October, 2009, at 9:30'clock in the forenoon, or as soon thereafter as counsel may be heard, why an Order and Judgment should not be entered pursuant to *CPLR* Article 78 annulling and voiding Title 10 *NYCRR* [HEALTH] Subpart 66-3 on the grounds that respondents' promulgation of Title 10 *NYCRR* [HEALTH] Subpart 66-3 was unconstitutional and was arbitrary, capricious, irrational and contrary to law, and why such other, further and different relief as to this Court may seem just and proper, together with costs and disbursements of this proceeding, should not be granted.

ORDERED, that advance notice of petitioners' application for a Temporary Restraining Order pursuant to *CPLR* §§6301, 6311, 6313 and 7805 having been given to the State of New

-3-

York through the Office of the Attorney General, and petitioners having made no prior application for the relief sought in this proceeding, the respondents and each of them are hereby temporarily stayed and restrained from: (A) implementing or enforcing, (B) authorizing or requiring others to use or act upon or (C) acting on or otherwise taking any action against or with respect to any health care personnel in New York State, or other individuals who might otherwise be adversely affected by the application of Title 10 NYCRR [HEALTH] Subpart 66-3, upon the grounds that the petitioners or some of them will suffer immediate and irreparable injury, loss or damage unless the respondents and each of them are restrained and stayed before a hearing can be held, and it is further

ORDERED, that the Temporary Restraining Order issued by this Court shall remain in full force and effect until there is a signed and filed final determination by this Court on the application for a preliminary injunction, it is further

ORDERED, that personal service of conformed copies of this Order and the annexed papers shall be made by personally serving any Assistant Attorney General of the State of New York on or before October 20, 2009 in the City of Albany, New York, and if so accomplished, shall be deemed good and sufficient service on all respondents, and it is further

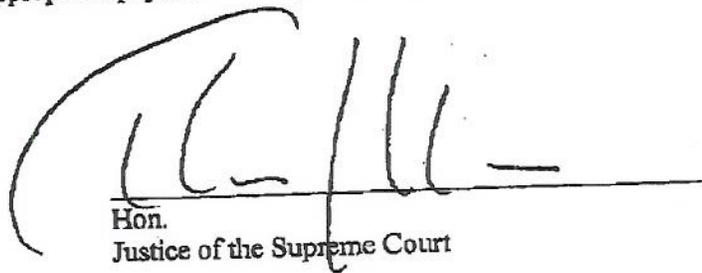
ORDERED, that copies of all responding papers on behalf of any respondents shall be personally served or served by overnight mail on William P. Seamon, Esq., attorney for the petitioners, at his office at 1168-70 Troy-Schenectady Road, P.O. Box 12414, Albany, New York 12212-2414, on or before October 20, 2009, and it is further

-4-

ORDERED, that copies of reply papers to be relied upon by the petitioners in this action shall be served personally upon an Assistant Attorney General on or before 5:00 p.m. on October 25, 2009.

PLEASE TAKE NOTICE, that pursuant to CPLR §7804(e), respondents are directed to file with the Clerk of the Court the appropriate papers, transcripts and exhibits, if any, relevant to this matter.

DATED: October 16, 2009  
Albany, New York

  
Hon.  
Justice of the Supreme Court

ENTER:

Filed October \_\_, 2009