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Parties

addr.

DEFENDANT:
STATE OF NEW YORK
NEW YORK STATE DEPARTMENT OF HEALTH
DAINES RICHARD F
ERIE COUNTY MEDICAL CENTER CORPORATION
KALEIDA HEALTH
WESTERN NEW YORK HEALTH SYSTEMS INC AKA NEWCO

PLAINTIFF:
COUNTY OF ERIE

Reference

Seq.	Comment
1	06/10/2008 ORDER TO S/C
2	06/16/2008 AFF SVC(8)
3	06/18/2008 ANSWER-AFFIRM
4	06/18/2008 ANSWER-MEMO OF LAW-AFF IN OPP
5	06/19/2008 REPLY AFF-REPLY MEMO OF LAW
6	06/23/2008 ORDER
7	06/25/2008 ORDER

Receipt Detail

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STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

FILED

COUNTY OF ERIE

Petitioner

vs.

JUDGMENT

Index No. 6823/08

STATE OF NEW YORK, NEW YORK STATE DEPARTMENT OF HEALTH, RICHARD F. DAINES, M.D., as the Commissioner of the New York State Department of Health, ERIE COUNTY MEDICAL CENTER CORPORATION, KALEIDA HEALTH, WESTERN NEW YORK HEALTH SYSTEMS, INC., a/k/a NEWCO

Respondents

Upon the review of the papers and oral argument conducted herein and in the related action entitled "County of Erie and Erie County Medical Center Corporation v. New York State Department of Health," Index No. 5043/08, described in the attached Exhibit "A," and upon the Court's decision placed on the record in open court on June 25, 2008, it is

ORDERED, ADJUDGED AND DECREED, that the Petition is dismissed in all respects on the merits and without costs.

Dated: June 25, 2008

HON. JOHN M. CURRAN, J.S.C.

GRANTED:

By: Patricia A. Aiello

Patricia A. Aiello
Court Clerk

COURT EXHIBIT A

I. **Article 78 Proceeding (Index No. 6823/2008)**

A. Order to Show Cause, granted and entered June 10, 2008.
B. Verified Petition, together with exhibits, verified on June 10, 2008.
C. Verified Answer of the Department, verified on June 16, 2008.
D. Affidavit in Opposition of Neil Benjamin, together with an exhibit, sworn to June 16, 2008.
E. Verified Answer of ECMCC, verified on June 19, 2008.
F. Opposing Affidavit of Anthony J. Colucci, III, Esq., sworn to June 18, 2008.
G. Verified Answer of Kaleida Health, verified on June 18, 2008.
H. Affidavit of Robert Nolan, Esq., sworn to on June 17, 2008.
I. Verified Answer of Western New York Health Systems, Inc., verified on June 17, 2008.
J. Affirmation of Robert A. Wild, Esq., in opposition to Verified Petition, affirmed June 17, 2008.
K. Reply Affidavit of Cheryl A. Green, Esq., together with exhibits, sworn to June 19, 2008.
L. Transcript of oral argument held on June 19, 2008.
M. Transcript of status conference held on June 23, 2008.

II. **Related Action (Index No. 5043/08)**

A. Verified Complaint, together with exhibits, verified on April 29, 2008.
B. Notice of Motion for Preliminary Injunction, dated May 27, 2008.
C. Affidavit of Anthony J. Colucci, III, Esq., together with exhibits, sworn to on May 27, 2008.
D. Affidavit of James T. Evans, M.D., together with exhibits, sworn to May 27, 2008.
E. Verified Answer of Department of Health, verified on May 27, 2008.
F. Affidavit of Neil Benjamin, together with exhibits, sworn to on June 5, 2008.
G. Affidavit of Robert Nolan in opposition to ECMCC's preliminary injunction, together with exhibits, sworn to on June 9, 2008.
H. Reply Affidavit of Anthony J. Colucci, III, Esq., together with exhibits, sworn to on June 12, 2008.
I. Transcript of scheduling conference held on June 6, 2008.
J. Transcript of oral argument held on June 12, 2008.
K. Transcript of settlement on the record dated June 23, 2008.

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

COUNTY OF ERIE

Petitioner

vs.

ORDER

Index No. 6823/08

STATE OF NEW YORK, NEW YORK STATE DEPARTMENT OF HEALTH, RICHARD F. DAINES, M.D., as the Commissioner of the New York State Department of Health, ERIE COUNTY MEDICAL CENTER CORPORATION, KALEIDA HEALTH, WESTERN NEW YORK HEALTH SYSTEMS, INC., a/k/a NEWCO

Respondents

Upon review of the papers and oral argument conducted herein and in the related action entitled "County of Erie and Erie County Medical Center Corporation v. New York State Department of Health," Index No. 5043/08, described in the attached Exhibit "A," and upon consideration of the application of respondent Western New York Health Systems, Inc., to be dropped from this proceeding, which applies equally to all non-governmental respondents, and upon the decision rendered in open court on the record on June 25, 2008, it is

ORDERED, that pursuant to CPLR § 1003, the following parties are immediately dropped from this proceeding: Erie County Medical Center Corporation, Kaleida Health, and Western New York Health Systems, Inc., a/k/a Newco.

Dated: June 25, 2008

HON. JOHN M. CURRAN, J.S.C.

GRANTED:

By: Patricia A. Aiello

Patricia A. Aiello
Court Clerk

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