

At IAS Part ___ of the Supreme
Court of the State of New York, held
in and for the County of Kings,
at 360 Adams Street, Brooklyn, New
York on the ___ day of June,
2013.

PRESENT:

Hon. Johnny Lee Baynes,
Justice

**PLEASE TAKE NOTICE THAT THE PURPOSE OF THIS HEARING IS TO PUNISH
THE ACCUSED, DEFENDANTS STATE UNIVERSITY OF NEW YORK, TRUSTEES
OF STATE UNIVERSITY OF NEW YORK, STATE UNIVERSITY OF NEW YORK
DOWNSTATE MEDICAL CENTER, STATE UNIVERSITY OF NEW YORK
DOWNSTATE MEDICAL CENTER COUNCIL AND JOHN F. WILLIAMS, MD, IN HIS
CAPACITY AS PRESIDENT OF STATE UNIVERSITY OF NEW YORK DOWNSTATE
MEDICAL CENTER FOR A CONTEMPT OF COURT AND SUCH PUNISHMENT
MAY CONSIST OF A FINE OR IMPRISONMENT, OR BOTH, ACCORDING TO LAW.**

**WARNING:
YOUR FAILURE TO APPEAR IN COURT
MAY RESULT IN YOUR IMMEDIATE
ARREST AND IMPRISONMENT FOR
CONTEMPT OF COURT**

SUPREME COURT OF THE STATE OF NEW YORK
KINGS COUNTY

THE NEW YORK STATE NURSES ASSOCIATION, :
1199SEIU UNITED HEALTHCARE WORKERS :
EAST, CONCERNED PHYSICIANS OF LICH, LLC :
AND CARL BIERS, :

Plaintiffs-Petitioners, :

vs. :

NEW YORK STATE DEPARTMENT OF HEALTH, :
NIRAV SHAH, MD, in his capacity as Commissioner of :
the Department of Health, STATE UNIVERSITY OF :
NEW YORK, TRUSTEES OF STATE UNIVERSITY :
OF NEW YORK, STATE UNIVERSITY OF NEW :
YORK DOWNSTATE MEDICAL CENTER, STATE :
UNIVERSITY OF NEW YORK DOWNSTATE :
MEDICAL CENTER COUNCIL AND JOHN F. :
WILLIAMS, MD, in his capacity as President of State :
University of New York Downstate Medical Center :

Defendants-Respondents. ;

Index No. 5814/2013

REVISED
ORDER TO SHOW CAUSE

REVISED ORDER TO SHOW CAUSE

Upon the accompanying Affirmation of Raffaele Borriello, MD, dated April 9, 2013; Affirmation of John Brennan, MD, dated April 11, 2013; Affirmation of Alice Garner, MD dated June 14, 2013; Affidavit of Herdley Hill, sworn to on April 10, 2013; Affidavit of Kathy Lecube, sworn to on June 17, 2013; Affirmation of Robert Levey, MD, sworn to on June 19, 2013; Affirmation of Saul Melman, MD, dated June 17, 2013; Affirmation of George Rezk, MD, dated April 6, 2013; Affirmation of John Romanelli, MD, dated April 11, 2013 and exhibit thereto; Affirmation of Harry Sergiou, MD, dated April 11, 2013; Affidavit of Joseph Stuto, DPM, sworn to on April 8, 2013; Affirmation of Jeffrey Vieira, MD, dated June 17, 2013; Affirmation of Hanna Fox, dated June 17, 2013 and exhibits thereto; Affirmation of Alexandra

Mitter, dated June 17, 2013 and exhibits thereto; and the Memorandum in Support of Plaintiffs-Petitioners Motion for Contempt, and all prior proceedings herein, and good cause having been alleged, it is hereby

ORDERED that Defendants-Respondents State University of New York, State University of New York Downstate Medical Center, State University of New York Downstate Medical Center Council and John F. Williams, MD, as President of the State University of New York Downstate Medical Center shall show cause before this Court in courtroom ___ at the Courthouse at 360 Adams Street, Brooklyn, New York, on the 15th July day of ~~June~~ 2013 at 2:30 .m., or as soon thereafter as counsel may be heard, why an order should not be entered:

(1) holding Defendants-Respondents State University of New York, State University of New York Downstate Medical Center, State University of New York Downstate Medical Center Council and John F. Williams, MD, as President of the State University of New York Downstate Medical Center (the "SUNY Defendants-Respondents") in civil contempt for their failure to comply with the Order entered by Hon. Johnny Lee Baynes on April 1, 2013 (the "Temporary Restraining Order").

(2) awarding Plaintiffs-Petitioners the sum of \$250 plus the amount of their costs incurred in making this motion, including their reasonable attorneys' fees

(3) awarding Plaintiffs-Petitioners such other and reasonable relief as the Court may deem just, proper and equitable.

ORDERED that pending a hearing and determination by this Court on the application for an injunction filed by Plaintiffs-Respondents on April 1, 2013 in this action, the Temporary Restraining Order shall be amended as follows (deleted language stricken and new language underlined):


ORDERED that pending a hearing by this Court on the application for an injunction, Defendants-Respondents are hereby TEMPORARILY RESTRAINED and shall not take any action in furtherance of the closure plan for Long Island College Hospital submitted to the DOH. ~~including any communications between (a) Defendants-Respondents SUNY, SUNY Board, SUNY Downstate, SUNY Downstate Council and John F. Williams, MD, and (b) Defendants-Respondents DOH and Nirav Shah, MD, regarding such closure plan.~~ In furtherance of this Order, the SUNY Defendants-Respondents shall (a) maintain adequate staffing at LICH, including, but not limited to maintenance of residents and fellows at LICH at numbers substantially the same as the numbers of fellows and residents in place at LICH prior to SUNY's announcement of its plan to close LICH; and (b) maintain staffing in the Psychiatry Department (inpatient, outpatient and Emergency Department) at substantially the same as the numbers of psychiatrists, nurses and staff in place at LICH prior to SUNY's announcement of its plan to close LICH.

ORDERED that the SUNY Defendants-Respondents will post this Order on their web sites and post it in prominent public locations at LICH within 24 hours of service of this Order.

ORDERED that the opposing papers, if any, shall be filed by Defendants-Respondents no later than the 28th day of June 2013 at 12:00 .m by hand delivery to counsel for Plaintiffs-Petitioners.

SUFFICIENT CAUSE BEING SHOWN, let service by hand delivery of a copy of this Order to Show Cause and the papers on which it is based upon counsel for Defendants- Respondents no later than the 21st day of June, 2013, be deemed good and sufficient service.

ENTER:


Hon. Johnny Lee Baynes, J.S.C.

JOHNNY LEE BAYNES