

SUPREME COURT OF THE STATE OF NEW YORK
APPELLATE DIVISION, THIRD DEPARTMENT

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In the Matter of HARRY JOSIFIDIS, M.D.,

Petitioner,

For a Judgment/Order pursuant to Article 78 of the Civil
Practice Law and Rules,

-against-

ORDER TO SHOW CAUSE

RICHARD F. DAINES, Commissioner, New York State
Department of Health, and the STATE BOARD FOR
PROFESSIONAL MEDICAL CONDUCT,
ADMINISTRATIVE REVIEW BOARD FOR
PROFESSIONAL MEDICAL CONDUCT New York
State Department of Health,

Respondents.
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UPON the attached Affirmation in Support of Nathan L. Dembin, Esq., dated January 13, 2011 the attached Verified Petition of Harry Josifidis, M.D., and the exhibits attached thereto, pursuant to N.Y. Pub. Health Law § 230-c(5) (McKinney 2001), and upon due consideration, it is hereby:

ORDERED, that Respondents RICHARD F. DAINES, Commissioner, New York State Department of Health, and the STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT, ADMINISTRATIVE REVIEW BOARD FOR PROFESSIONAL MEDICAL CONDUCT New York State Department of Health, show cause at a Term of this Court to be held at Supreme Court of the State of New York, Appellate Division, Third Department, in the courthouse located at the Justice Building, Empire State Plaza, Albany, New York, on the 7th day of February, 2011, at 9:30 o'clock in the forenoon of that day, or as soon

thereafter as counsel may be heard, why a Judgment and an Order should not be granted and entered by this Court:

- a. annulling the Respondents' Determination and Order (BPMC No.: 10-272, annexed as EXHIBIT "A"), which revoked the Petitioner's license to practice medicine in the State of New York ;
- b. staying the Respondents' Determination and Order (No.: 10-272, annexed as EXHIBIT "A") pending the hearing and final determination of the instant Petition brought on by this Order to Show Cause; and
- c. granting such other and further relief as this Court deems just and proper; and it is hereby further

ORDERED, that, pending the determination of the instant motion brought on by this Order to Show Cause, Respondents RICHARD F. DAINES, Commissioner and the STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT, ADMINISTRATIVE REVIEW BOARD FOR PROFESSIONAL MEDICAL CONDUCT New York State Department of Health are hereby enjoined and stayed from executing, enforcing, reporting, or taking any other action with respect to the Respondents' Determination and Order (No.: 10-272, annexed as EXHIBIT "A");

AND SUFFICIENT CAUSE APPEARING THEREFORE, let service by overnight express mail of a copy of this Order, together with the papers on which it is based, upon:

- a. Attorney General of the State of New York, located at 120 Broadway, 24th Floor, New York, New York 10276, and upon
- b. Office of Legal Counsel of the New York State Department of Health located at Corning Tower, The Governor Nelson A. Rockefeller Empire State Plaza, Albany, New York 12237,

on or before the 18th day of January, 2011, be deemed good and sufficient service,

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~~AND FURTHER, let the Answer to the Petition and answering Affidavits and Papers with respect to the Order to Show Cause, if any, be served by overnight express mail on the Petitioner's attorneys at 1123 Broadway, Suite 1117, New York, New York 10010 at least _____ day(s) before the return date of the within Petition and Motion brought on by the Order to Show Cause, AND IT IS FURTHER ORDERED that the motion brought on by this order to show cause shall not be orally argued unless counsel are notified to the contrary by the Clerk of the Court.~~

Dated: *Albany*, New York
January *14*, 2011

ENTER:

REDACTED

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HON. ASSOCIATE JUSTICE
APPELLATE DIVISION, THIRD DEPARTMENT