

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

In the Matter of the Application of

ELLIOTT S. COHEN, M.D.,

Petitioner,

for Judgment pursuant to Article 78 of the CPLR,

ORDER TO SHOW CAUSE

-against-

NEW YORK STATE DEPARTMENT OF HEALTH,

Respondent.

UPON READING AND FILING of the Verified Petition dated March 17<sup>th</sup>, 2009, with exhibits attached thereto, and the Affidavit of Elliott S. Cohen, M.D., sworn to on March 17, 2009, together with the exhibits attached thereto, in support of the relief requested;

NOW, let the Respondent SHOW CAUSE before this Court at a Term thereof, to be held at the courthouse thereof located at the Justice Building, Albany, New York, on the 6<sup>th</sup> day of April, 2009 at 9:30 AM or as soon thereafter as counsel may be heard, why (1) a judgment should not be entered annulling a determination and order of the Administrative Review Board for Professional Medical Conduct, to the extent which it overturned the Hearing Committee's penalty determination, and suspended Petitioner's license to practice medicine for three years, with all but three months of the suspension stayed, and (2) an order should not be entered staying the determination and order of the Administrative Review Board for Professional Medical Conduct until such time as this proceeding may be determined, (3) an order should not be entered granting a preference upon this proceeding; and (4) Petitioner should not be granted such other and further relief as to this Court may seem just and proper;

It is hereby

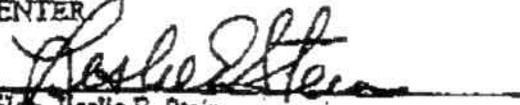
**ORDERED**, that the determination and order of the Administrative Review Board for Professional Medical Conduct is hereby stayed pending determination of the motion brought on by this order to show cause; and it is further

**ORDERED**, that service of this Order and the papers upon which it is based be made on the Department of Law, Litigation Bureau, 120 Broadway, 24th Floor, New York, N.Y. 10271, and the Division of Legal Affairs, New York State Department of Health, Corning Tower, Empire State Plaza, Albany, N.Y. 12237 on or before 5:00 o'clock on the 20<sup>th</sup> day of March 2009, by overnight mail service; 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: March 19, 2009  
Albany, New York

ENTER

  
Hon. Rosalie E. Stein  
Associate Justice of the Supreme Court,  
Appellate Division, Third Department