

**Supreme Court of the State of New York**  
**Appellate Division: Second Judicial Department**

M77505  
E/sl

PETER B. SKELOS, J.P.  
DANIEL D. ANGIOLILLO  
RUTH C. BALKIN  
ARIEL E. BELEN, JJ.

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2008-09023

DECISION & ORDER ON MOTION

Parkway Hospital, Inc., et al., plaintiffs,  
v New York State Commission on Healthcare  
Facilities in the 21<sup>st</sup> Century, et al., defendants.

(Index No. 13682/08)

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Motion by the plaintiffs for leave to appeal to this court from an order of the Supreme Court, Queens County, dated September 22, 2008, and, inter alia, to enjoin the defendants from rescinding the operating certificate of Parkway Hospital, Inc., pending hearing and determination of the appeal.


Upon the papers filed in support of the motion and the papers filed in opposition thereto, it is

ORDERED that the branch of the motion which is for leave to appeal is denied; and it is further,

ORDERED that the motion is otherwise denied as academic.

SKELOS, J.P., ANGIOLILLO, BALKIN and BELEN, JJ., concur.

ENTER:

  
James Edward Pelzer  
Clerk of the Court

October 22, 2008

PARKWAY HOSPITAL, INC. v NEW YORK STATE COMMISSION ON HEALTHCARE  
FACILITIES IN THE 21<sup>ST</sup> CENTURY