

SUPREME COURT
THE STATE OF NEW YORK
THE COUNTY OF ONEIDA

In the matter of the application of:

CAROL THOMAS,
GINA ANTONELLI
Petitioners,

ORDER

- against -
MOHAWK VALLEY HEALTH SYSTEM,
ST. ELIZABETH HOSPITAL

Index No. EFCA2020-002041
RAI # 32-20-0568

Respondents.

ORDER TO SHOW CAUSE

The Court has considered the annexed petition of CAROL THOMAS and GINA ANTONELLI verified the 2nd day of October, 2020, the exhibits attached thereto, the Affidavit of Dr. Paul A. Byrne, M.D. verified October 1, 2020, and the exhibit attached thereto, and all proceedings herein. On the basis of these proceedings, papers and pleadings, the Court is of the opinion that an order to show cause should be granted:

IT IS ORDERED: That the respondents show cause before a term of this Court, to be held at the Oneida County Courthouse, 200 Elizabeth Street, Utica, NY 13501 on the 9th day of October 2020, at 9:30 o'clock in the forenoon of that day, or as soon thereafter as counsel may be heard, why this Court should not continue to order Respondents to abide by the health care decisions made on behalf of Sharon L. Frederick by petitioners and, further, declare the certification of brain death null and void, and grant the other relief that petitioner seeks; and why this Court should not order further and different relief that seems to the Court, in the exercise of its wisdom and discretion, just and proper.

Handwritten notes: 302 N. James St., Rome, NY 13440 PFM

Sufficient cause appearing, it is further

ORDERED: That the respondents, MOHAWK VALLEY HEALTH SYSTEM and ST. ELIZABETH HOSPITAL, must provide Sharon Frederick all treatments and care, including all needed surgeries, proper nutrition and hydration, however ministered, all in accordance with petitioners' directives, that will protect and preserve Sharon L. Frederick's life until this Court directs otherwise;

medications for pain as needed, and shall denominate Sharon Frederick as DNR. ORDERED: That the respondents MOHAWK VALLEY HEALTH SYSTEM and ST. ELIZABETH HOSPITAL shall permit petitioners to visit Sharon Frederick alone with pending a hearing in this matter PFM

~~accompaniment of their choosing and be present with Sharon Frederick at any other time when visitors are otherwise allowed;~~ Pursuant to current hospital protocols for patients on comfort care PAM
Sufficient cause appearing, it is further

ORDERED: That service of this order, together with a copy of the papers upon which it is granted, be made upon respondents MOHAWK VALLEY HEALTH SYSTEM and ST. ELIZABETH HOSPITAL by leaving a copy thereof with respondents on or before October ~~1~~, 2020; electronic filing by the Court PAM

ORDERED: That the method of service provided hereinafter be deemed due, timely and sufficient;

Sufficient cause appearing, it is further

ORDERED: That Answering papers if any shall be served no later than 5:00 p.m. on October 7, 2020 9:00 a.m. PAM
business days before the return date of this matter by delivering a copy to petitioners personally;

Sufficient cause appearing, it is further

ORDERED: Given the expedited nature of this case, petitioners are granted permission to supplement their pleadings and provide additional grounds in support of the relief requested with further proof, reasons, or argument on the return date of this petition.

Dated at Rome, New York, this 6th day of October 2020,

Patrick Macrae J.S.C.

HON. PATRICK F. MACRAE