



1 of 5 DOCUMENTS

**Mary McKinney et al., Appellants, v Commissioner of the New York State  
Department of Health et al., Respondents.**

**Mo. No. 1177**

**COURT OF APPEALS OF NEW YORK**

**9 N.Y.3d 986; 878 N.E.2d 604; 848 N.Y.S.2d 20; 2007 N.Y. LEXIS 3680; 2007 NY  
Slip Op 84390**

**October 15, 2007, Submitted  
November 27, 2007, Decided**

**PRIOR HISTORY:** Reported below, *McKinney v  
Commissioner of the N.Y. State Dept. of Health*, 41 AD3d  
252, 840 NYS2d 6, 2007 NY App Div LEXIS 7562  
(N.Y. App. Div. 1st Dep't, 2007)

[\*1] Motion by the Association of the Bar of the  
City of New York for leave to file a brief amicus curiae  
on the motion for leave to appeal herein granted and the  
brief is accepted as filed.

**OPINION**