

STATE OF NEW YORK
SUPREME COURT: COUNTY OF ERIE

ST. JOSEPH HOSPITAL OF CHEEKTOWAGA, NEW YORK
and CATHOLIC HEALTH SYSTEM, INC.

Plaintiffs-Appellants,

v.

**NOTICE OF
APPEAL**

Erie County Index No.:
I-2006/11568

ANTONIA C. NOVELLO, as New York State
Health Commissioner, THE NEW YORK STATE
COMMISSION ON HEALTHCARE FACILITIES
IN THE 21ST CENTURY, GEORGE E. PATAKI,
as Governor of the State of New York and THE STATE
OF NEW YORK

FILED
ACTIONS & PROCEEDINGS

JUL 23 2007

Defendants-Respondents.

ERIE COUNTY
CLERK'S OFFICE

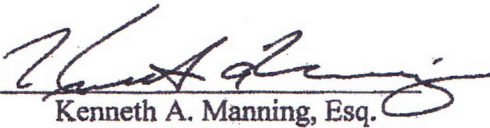
PLEASE TAKE NOTICE that, pursuant to CPLR 5601(b)(1), Plaintiffs-Appellants ("Appellants") hereby as of right appeal to the Court of Appeals of the State of New York, from an Opinion and Order of the Appellate Division, Fourth Department, of the Supreme Court of the State of New York, entered in the office of the Clerk of the Appellate Division, Fourth Department, on July 18, 2007, and served on the Appellants on July 18, 2007, which Opinion and Order:

- (i) modified the Order and Judgment of the Supreme Court, County of Erie, granted by the Honorable Joseph D. Mintz on February 21, 2007, and entered in the Office of the Clerk of Erie County on February 21, 2007, by vacating the provision dismissing those causes of action seeking a declaratory judgment; and
- (ii) affirmed the Order and Judgment as modified, and declared that section 31 of Part E of Chapter 63 of the Laws of 2005 (the "Enabling Legislation") is constitutional.

This appeal is taken from each and every part of the foregoing Opinion and Order of the Appellate Division, Fourth Department.

Dated: Buffalo, New York
July 23, 2007

PHILLIPS LYTTLE LLP

By 

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