

**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. *EPCA2020-002041*  
*RJI # 32-20-0568*

Respondents.

**ORDER TO SHOW CAUSE**

The Court has considered the annexed petition of CAROL THOMAS and GINA ANTONELLI verified the 2<sup>nd</sup> 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 9<sup>th</sup> 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.

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;~~ *and current medications, and medications for pain as needed, and shall denominate Sharon Frederick*

**ORDERED:** That the respondents MOHAWK VALLEY HEALTH SYSTEM and ST. ELIZABETH HOSPITAL shall permit petitioners to visit Sharon Frederick ~~alone with~~ *as DNR pending a hearing in this matter*

~~accompaniment of their choosing and be present with Sharon Frederick at any other time when visitors are otherwise allowed;~~

*purported to current hospital protocols for patients on comfort care P4M*

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 ~~2020~~, *electronic filing by the Court P4M*

**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 ~~9:00 a.m.~~ *5:00 p.m. on October 7, 2020 P4M* 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 6<sup>th</sup> day of October 2020,

*Patrick MacRae*  
J.S.C.

HON. PATRICK F. MACRAE