

SUPREME COURT OF THE STATE OF NEW YORK – NEW YORK COUNTY

PRESENT: Hon. SHEILA ABDUS-SALAAM PART 13

*Justice*

~~SHEVERNE BRAHMAIE~~

INDEX NO. 114808/02

MOTION DATE 8/10/03

MOTION SEQ. NO. 01

MOTION CAL. NO. \_\_\_\_\_

- v -

A.H. FAHMY, M.D., M. GARCIA-MASON, MARGARET SANGER CENTER, PLANNED PARENHOOD OF NEW YORK CITY, INC., CHANCHAL MALHOTRA, M.D., and QUEST DIAGNOSTICS, INC.

**SCANNED**

JUL 22 2003

The following papers, numbered 1 to \_\_\_\_\_ were read on this motion to/for

Notice of Motion/ Order to Show Cause – Affidavits – Exhibits ...

Answering Affidavits – Exhibits \_\_\_\_\_

Replying Affidavits \_\_\_\_\_

PAPERS NUMBERED

Cross-Motion:  Yes  No

Upon the foregoing papers, it is ordered that this motion is decided in accordance with the accompanying conditional order.

MDTON/CASE IS RESPECTFULLY REFERRED TO

JUSTICE

J.S.C.

Dated: JULY 10, 2003

*SA-A*

J.S.C.

Check one:  FINAL DISPOSITION  NON-FINAL DISPOSITION

SUPREME COURT : NEW YORK COUNTY  
IAS : PART13

..... -X  
SHEVERNE BRATHWAITE,

INDEX # 114808/02

Plaintiff,

-against-

A.H. FAHMY, M.D., M. GARCIA-MASON,  
MARGARET SANGER CENTER,  
PLANNED PARENTHOOD OF NEW YORK  
CITY, INC., CHANCHAL MALHOTRA,  
M.D., and QUEST DIAGNOSTICS, INC.,

Defendants.

-----X

SHEILA ABDUS-SALAAM, J:

Permission for plaintiff's counsel to withdraw ~~is~~ conditionally granted. The conditions are as follows:

- 1 A copy of this order with notice of entry will be promptly served upon plaintiff by certified mail, return receipt requested, as well as by regular mail. Withdrawing counsel will also serve a copy of this order with notice of entry on defense counsel by regular mail.
2. All further proceedings against plaintiff are hereby stayed for sixty (60) days after said mailing, pursuant to §321(c) CPLR.
3. This case ~~is~~ scheduled for conference before me ~~on~~ September 18, 2003, at 9:30 AM, Courtroom 305, 71 Thomas Street, New York, New York. If plaintiff fails to appear for the conference, either personally or through new counsel, the action will be dismissed.
4. Withdrawing counsel will send a notice to the plaintiff, along with a copy of this order with notice of entry, substantially in the form appended to this order (which includes a notice directing plaintiff to appoint another attorney).
5. Proof of service, pursuant to items 1 and 4, will be filed with the court at the conference. Proof of service will include a copy of the signed receipt for certified mail [if

claimed by plaintiff].

6. Withdrawing counsel shall appear at the conference.

The foregoing constitutes the opinion, decision and order of the court.

Dated: July 10, 2003



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J.S.C.

Re: SHEVERNE BRATHWAITE v  
A.H. FAHMY, M.D., et al  
**INDEX #114808/02**

Dear

The court has given us leave to withdraw as your lawyers after giving you the following notices.

First you are notified to appoint another lawyer within sixty (60) days.

Please note that the order:

1. requires that you or a new lawyer for you appear before Judge Abdus-Salaam for conference on September 18, 2003 at 9:30 AM in courtroom 305, the County Courthouse, 71 Thomas Street, Manhattan; and
2. “stays” the defendants from taking any action in the case against you until the conference.

If you or new counsel do not appear for the conference, the Judge will dismiss the case.

Very truly yours,