

Document # 4

State Court Order granting  
Permanent Injunction for Ms. Baity  
against  
Grace Manor

At a term of this Court held in and for the  
County of Erie, Part 13, at 92 Franklin Street,  
Buffalo, New York, on February 9, 2004.

**PRESENT:** Hon. ROBERT P. LANE, J.S.C.  
Justice Presiding

**STATE OF NEW YORK**  
**SUPREME COURT: COUNTY OF ERIE**

**FINAL ORDER**

Index No. I-2004-489

In the matter of the Application of CARMEN BRITT  
and LULA BAITY,

Petitioners,

vs.

**GRACE MANOR HEALTH CARE FACILITY, INC.,**

10 Symphony Circle  
Buffalo, New York 14201;

**DAVID J. GENTNER, President/CEO,**

Grace Manor Health Care Facility, Inc.,

**MARY STEPHAN, Registered Nurse, and Facility Representative,**

Grace Manor Health Care Facility, Inc.,

**KATHY RANDALL, Director of Social Work,**

Grace Manor Health Care Facility, Inc.,

**TIFFANY MATTHEWS, Social Worker,**

Grace Manor Health Care Facility, Inc.,

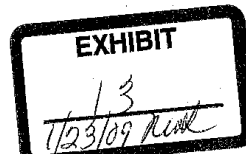
Respondents.

**FILED**  
ACTIONS & PROCEEDINGS

FEB 17 2004

ERIE COUNTY  
CLERK'S OFFICE

The above-named Petitioners having brought this action pursuant to CPLR Article 63 to  
enjoin the above-named Respondents, their agents, servants and employees, and all other persons  
acting on Respondents' behalf from: (i) contacting Petitioners BAITY and BRITT, in any manner,  
directly or indirectly, or through any third party, and, further, (ii) the intentional initiation of



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involvement and/or interference with the personal, private or health-care providing aspects pertaining the lives of Petitioner **BAITY** and **Britt**, and

The Court having read and filed the Order to Show Cause, dated January 20, 2004, the verified petition/affirmation of Richard L. Baumgarten, Esq., dated January 20, 2004, with attached verifications of Petitioners **CARMEN BRITT** and **LULA BAITY**, dated January 20, 2004, respectively, with all exhibits appended thereto and the Stipulation, dated February 9, 2004, executed by all parties to the action and their respective attorneys of record,

**NOW**, upon reading and filing all the foregoing pleadings, papers and proceedings, and due deliberation having been had thereon, it is hereby,

**ORDERED THAT:**

Petitioners' application for the above-sought CPLR Article 63 permanent injunctive relief, pursuant to consent by stipulation of the parties to the action, be and the same hereby is granted.

ENTER:

Dated: February 10, 2004

John P. Lane, J.S.C.

**GRANTED**  
FEB 11 2004  
**PATRICIA J. HALL**  
COURT CLERK

HON. ~~ROBERT~~ P. LANE, J.S.C.  
John

SKS  
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