

MONROE COUNTY CLERK'S OFFICE

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Receipt # 2832731

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No. Pages: 3

Instrument: ORDER

Control #: 202109070542

Index #: E2021007156

Date: 09/07/2021

Time: 12:49:21 PM

Return To:
Maureen P. Ware
99 Exchange Blvd
Rochester, NY 14614

Gangemi, Michael T.

Unity Hospital, an Affiliate of Rochester Regional Health

Total Fees Paid: \$0.00

Employee: CW

State of New York

MONROE COUNTY CLERK'S OFFICE
WARNING – THIS SHEET CONSTITUTES THE CLERKS
ENDORSEMENT, REQUIRED BY SECTION 317-a(5) &
SECTION 319 OF THE REAL PROPERTY LAW OF THE
STATE OF NEW YORK. DO NOT DETACH OR REMOVE.

JAMIE ROMEO

MONROE COUNTY CLERK





Supreme Court Chambers

412 Hall of Justice
Rochester, New York 14614
(585) 371-3607
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Hon. John J. Ark

Supreme Court Justice

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(585) 371-3654

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Secretary: Donna M. Brongo

(585) 371-3607

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Via e-mail and e-file Index #2021007156

September 3, 2021

To: Helene Maichle, Esq.
Danielle Maichle, Esq.
Meghann N. Roehl, Esq.

Re: Gangemi v. Unity Hospital

Dear Counsel:

The Court has reviewed yesterday's affidavit from Dr. Ferrantino, M.D. and the label for Mr. Gangemi's Ivermectin prescription.

In all of the cases cited by Petitioner, the Ivermectin requesting patients have his or her own treating physicians available to prescribe the dosage and administer, or at least monitor, the patient's progress. In the instant matter, the Ivermectin was prescribed by a Dr. Nochimson, Ross¹ to:

"Take 5.5 pills by mouth once daily up to 5 days Depending on clinical symptoms and improvement".

Other than his name on the prescription bottle, there is nothing in the record from Dr. Nochimson that he ever clinically observed Mr. Gangemi or reviewed his medical record; what the pills are for; what are clinical symptoms and what would constitute improvement. There is no

¹From the Elite Specialty Care website:

Ross Nochimson D.O., is a Fellowship Trained Interventional Pain Management provider specializing in Interventional Pain and Regenerative Medicine who joined Elite Specialty Care in 2020 with over 19 years of experience in private practice. Dr. Nochimson attended medical school at the Rowan University School of Osteopathic Medicine. While in medical school he trained as a Paramedic in NYC and in Hackensack, NJ graduating with honors from Hobart College, Magna Cum Laude, in the most prestigious Phi Beta Kappa Honor Society. He then completed his Anesthesiology residency and Fellowship training in Pain Management at Jefferson University Hospital and his Fellowship in Pain Management at Thomas Jefferson University Hospital. He is licensed in New Jersey, New York, and Michigan where he also runs a private practice. His entire career has been dedicated to his patients focusing on using interventional pain and regenerative medicine to maximize patient outcomes and he treats patients using minimally invasive pain management procedures.

His patients come to him for treatment for back pain, foot pain, knee problems, migraines, and for general pain management consultations.

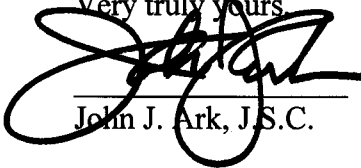
indication that Mr. Gangemi ever consulted with him or any physician before treating with Ivermectin. The prescription bottle does not provide any context or understanding as to how Ivermectin came to be prescribed or for what condition.

Contrariwise, there are extensive affidavits from three of Unity's physicians attending Mr. Gangemi, specifying the possible deleterious impact Ivermectin may have on Mr. Gangemi. In addition, at each court appearance Unity's counsel updated the Court and Petitioner's counsel as to Mr. Gangemi's apparently critical but stable condition. Remarkably, other than Unity's attending physicians, who adamantly do not, there is no doctor who has any personal knowledge of Mr. Gangemi's medical situation that advocates giving him Ivermectin at this time.

If you wish to supplement the record or comment on this message, please do so.

Meanwhile, in consideration of Mr. Gangemi's situation, I am deferring on denying his motion so that we can act most expeditiously if necessary.

Very truly yours,



John J. Ark, J.S.C.