

At IAS Part 18 of the Supreme Court of the State of New York, held in and for the County of New York, at the Supreme Court Building thereof located at 71 Thomas Street, New York, New York, on the 18th day of Aug., 2014.

PRESENT: HON. LOTTIE E. WILKINS, J.S.C.

In the Matter of the Application of
KEVIN FISTER,

Order for TRO
Pending Hearing

Petitioner,

for an Order of Appointment of a Temporary
Guardian of the Person and Property of

MARJORIE FISTER,

Index No.: 500168/13

an Alleged Incapacitated Person.

UPON THE READING AND FILING of the annexed Affirmation of SYLVIA E. DI PIETRO, ESQ., as Court Appointed Attorney for MARJORIE FISTER, dated on the 15th day of August, 2014, the exhibits annexed, and upon all prior pleadings and proceedings heretofore had herein, and sufficient cause appearing therefore,

LET ELLEN FISTER OXMAN, and her attorney, if there be any, as well as MOUNT SINAI HOSPITAL, and their general counsel, show cause before this Court at IAS Part 18, to be held at the Courthouse located at 71 Thomas Street, New York, New York before the Honorable Lottie E. Wilkins, at ~~10~~ 10:30 a. m. on the 28th day of August, 2014, or as soon thereafter as counsel can be heard, why an Order granting the relief requested should not be granted that:

- a) Ellen Fister Oxman be required to remove from any website, be it Facebook or any other web address, any presence of the AIP in the form of video, photograph, reproduction or rendition which she has posted;
- b) Mount Sinai Hospital be required to remove from its web-server, e-mail records, as well as any and all storage sites maintained by the hospital, any records presenting the presence of the AIP in the form of video, photograph, reproduction or rendition which was received and transmitted by any employee after termination of their medical services to the AIP;
- c) The records of said transmissions and photographs, and any records, transmissions, photographs, videos, and reproductions made by any method and means by Ellen Fister Oxman, Mount Sinai Hospital or the recipient of said transmissions be sealed;

- d) Ellen Fister Oxman's authority under any healthcare proxy of the AIP be revoked;
and
- e) Ellen Fister Oxman should be further restrained and enjoined from closing the door to the AIP's room at Hudson Pointe Nursing Facility or any other facility in the future and opposing the medical directions made to any institution by the Temporary Guardian.
- f) An award of Affirmant's costs for the making of this motion and for such other and further relief as this court may deem just and proper;

SUFFICIENT REASON APPEARING THEREFOR, it is

ORDERED that pending the hearing and determination of the application, that ELLEN FISTER OXMAN be restrained and enjoined from videotaping, photographing, recording, and/or disseminating the image of the AIP by means of the internet, iPhone or any other system of communication or transmission and restrained from releasing same in the name of Marjorie Fister; and it is further

ORDERED that pending the hearing and determination of the application that Mount Sinai Hospital be restrained and enjoined from videotaping, photographing, recording, and/or disseminating the image of the AIP by means of the internet, iPhone or any other system of communication or transmission and restrained from releasing same in the name of Marjorie Fister; and it is further

ORDERED that pending the hearing and determination of the application, that Ellen Fister Oxman be restrained and enjoined from disseminating and transmitting any and all information concerning the medical condition, care and treatment of the AIP, Marjorie Fister, to any hospital, institutional or organization by any method and means; and it is further

ORDERED that pending the hearing and determination of the application, that Mount Sinai Hospital be restrained and enjoined from disseminating and transmitting any and all information concerning the medical condition, care and treatment of the AIP, Marjorie Fister, to any hospital, institutional or organization by any method and means; and it is further

ORDERED that pending the hearing and determination of the application, that Ellen Fister Oxman be restrained and enjoined from violating the AIP's rights to privacy, confidentiality and dignity by many method and means, including but not limited to questioning any medical decisions made by the Temporary Guardian on behalf of the AIP; and it is further

ORDERED that pending the hearing and determination of the application, that Mount Sinai Hospital be restrained and enjoined from violating the AIP's rights to privacy, confidentiality and dignity by many method and means, including but not limited to questioning any medical decisions made by the Temporary Guardian on behalf of the AIP; and it is further

ORDERED that pending the hearing and determination of the application, that

