

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

PRESENT: EDWARD H. LEHNER

PART 19

Index Number : 117379/2008  
PANGHAT, LIJO, M.D.  
vs.  
NY DOWTOWN HOSPITAL  
SEQUENCE NUMBER : 002  
DISMISS ACTION

INDEX NO. \_\_\_\_\_

MOTION DATE \_\_\_\_\_

MOTION SEQ. NO. \_\_\_\_\_

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

Is motion to/for \_\_\_\_\_

PAPERS NUMBERED

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

Answering Affidavits — Exhibits \_\_\_\_\_

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

Cross-Motion:  Yes  No

Upon the foregoing papers, it is ordered that this motion

motion is decided in accordance

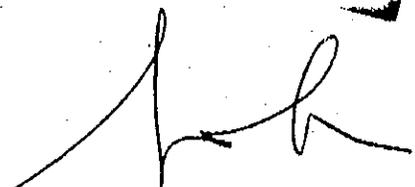
with accompanying memorandum decision *in companion*  
*motion decided this day.*

NYS SUPREME COURT  
RECEIVED  
APR 23 2009  
MOTION SUPPORT OFFICE

**FILED**  
APR 23 2009  
COUNTY CLERK'S OFFICE  
NEW YORK

APR 20 2009

Dated: \_\_\_\_\_



J.S.C.

Check one:  FINAL DISPOSITION

NON-FINAL DISPOSITION

Check if appropriate: DO NOT POST

*1 A 1 D*

MOTION/CASE IS RESPECTFULLY REFERRED TO JUSTICE FOR THE FOLLOWING REASON(S):

SCANNED ON 4/23/2009  
SUPREME COURT OF THE STATE OF NEW YORK — NEW YORK COUNTY

PRESENT: EDWARD H. LEHNER  
*Justice*

PART 19

In the Matter of the Application of  
LIJO PANGHAT, M.D.,

Petitioner,

INDEX NO. 117379/08

- against -

MOTION SEQ. NO. 001

NEW YORK STATE DIVISION OF HUMAN RIGHTS  
and NEW YORK DOWNTOWN HOSPITAL,

MOTION DATE 2/20/09

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

Respondents.

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 \_\_\_\_\_

Cross-Motion:  Yes  No

**FILED**  
APR 23 2009  
COUNTY CLERK'S OFFICE  
NEW YORK

Upon the foregoing papers, it is ordered that the petition is dismissed.

Petitioner has brought a proceeding to review an order (the "Order") of the New York State Division of Human Rights (the "Agency") that found no probable cause to believe that New York Downtown Hospital (the "Employer") engaged in discrimination.

Petitioner was employed by the Employer as a medical resident (Order at p. 1). He was given poor evaluations by multiple senior attending physicians (Id. at p. 2); his claims of differential treatment "were not corroborated" (Id. at p. 3) and the Agency therefore found no evidence of discrimination, and that there were "legitimate, non-discriminatory business reasons for terminating (petitioner's) employment (including) lack of medical competence" (Id. at p. 3). "(U)pon a judicial review of findings made by an administrative agency, a determination is regarded as being supported by substantial evidence when the proof is 'so substantial that from an inference of the existence of the fact found may be drawn reasonably'" [300 Gramatan Avenue Associates v. State Division of Human Rights, 45 NY2d 176, 179 (1978)]. Viewed as a whole "there is a rational basis ... for the findings of fact supporting the agency's decision (that there was no discrimination by the Employer)" [Id. at p. 182)].

Dated: April 20, 2009

J.S.C.

Check one:  FINAL DISPOSITION  NON-FINAL DISPOSITION

Check if appropriate:  DO NOT POST

MOTION/CASE IS RESPECTFULLY REFERRED TO JUSTICE FOR THE FOLLOWING REASON(S):