

# The Burger Court Opinion Writing Database

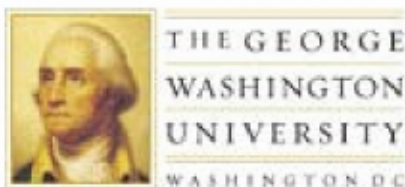
## *Rockefeller v. Catholic Medical Center of Brooklyn & Queens, Inc.*

397 U.S. 820 (1970)

Paul J. Wahlbeck, George Washington University

James F. Spriggs, II, Washington University

Forrest Maltzman, George Washington University





May 1, 1970

RE: No. 1379 - Rockefeller v. Catholic Medical Center  
of Brooklyn and Queens, etc.

Dear Chief:

In the above, which we are dismissing for want of an Order granting or denying injunctive relief, I was asked to see if it was necessary to order the District Court to enter a new decree from which an appeal might be taken to the Court of Appeals. I conclude that it is and enclose a Per Curiam for that purpose.

Sincerely,

WJB

The Chief Justice

**SUPREME COURT OF THE UNITED STATES**

**1979 - Nelson A. Rockefeller, Governor of the State of New York; Hollis S. Ingraham, Commissioner of Health of the State of New York; George K. Wyman, Commissioner of Social Services of the State of New York; and Norman Hurd, Director of the Budget of the State of New York, Defendants-Appellants,**

**against**

**Catholic Medical Center of Brooklyn and Queens, Inc., Division of St. Mary's Hospital; the Niagara Falls Memorial Hospital; and other hospitals similarly situated, Plaintiffs-Appellees**

**On Appeal from the District Court Southern District of New York.**

**[May 4, 1970]**

**PER CURIAM.**

The judgment appealed from does not include an Order ~~granting or denying an interlocutory or permanent injunction~~ and is therefore not appealable to this Court under 28 U.S.C. § 1253. See Goldstein v. Cox, 396 U.S. 471 (1970). The judgment of the District Court is vacated and the case is remanded to that court so that it may enter a fresh decree from which timely appeal may be taken to the Court of Appeals. See Stamler, et al. v. Willis, et al., 393 U.S. 407 (1969).