

**SUPREME COURT OF THE STATE OF NEW YORK**  
*Appellate Division, Fourth Judicial Department*

**494**

**CA 09-00913**

PRESENT: MARTOCHE, J.P., CENTRA, FAHEY, PERADOTTO, AND PINE, JJ.

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JANICE RIVENBURG, PLAINTIFF-RESPONDENT,

V

ORDER

HIGHLAND HOSPITAL OF ROCHESTER AND  
UNIVERSITY OF ROCHESTER, DEFENDANTS-APPELLANTS.  
(APPEAL NO. 1.)

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OSBORN REED & BURKE, LLP, ROCHESTER, MAURO GOLDBERG & LILLING LLP,  
GREAT NECK (BARBARA D. GOLDBERG OF COUNSEL), FOR  
DEFENDANTS-APPELLANTS.

WEINSTEIN MURPHY, ROCHESTER (DAVID L. MURPHY OF COUNSEL), FOR  
PLAINTIFF-RESPONDENT.

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Appeal from an order of the Supreme Court, Monroe County (David Michael Barry, J.), entered April 22, 2009 in a medical malpractice action. The order denied the motion of defendants for judgment notwithstanding the verdict.

It is hereby ORDERED that said appeal is unanimously dismissed without costs (see *Smith v Catholic Med. Ctr. of Brooklyn & Queens*, 155 AD2d 435; see also CPLR 5501 [a] [1]).

Entered: April 30, 2010

Patricia L. Morgan  
Clerk of the Court