

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

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CA 09-02620

PRESENT: SCUDDER, P.J., PERADOTTO, LINDLEY, GREEN, AND GORSKI, JJ.

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CYNTHIA J., INDIVIDUALLY AND AS LEGAL  
GUARDIAN OF MICHAEL P.J., AN INFANT,  
PLAINTIFF-RESPONDENT,

V

ORDER

DAVID C. PLACHE, M.D., DEFENDANT-APPELLANT,  
ET AL., DEFENDANT.

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CONNORS & VILARDO, LLP, BUFFALO (AMY C. MARTOCHE OF COUNSEL), FOR  
DEFENDANT-APPELLANT.

LIPSITZ GREEN SCIME CAMBRIA LLP, BUFFALO (JOHN A. COLLINS OF COUNSEL),  
FOR PLAINTIFF-RESPONDENT.

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Appeal from an amended order of the Supreme Court, Erie County (Paula L. Feroletto, J.), entered June 10, 2009 in a medical malpractice action. The amended order, insofar as appealed from, granted plaintiff's motion and barred defendant David C. Plache, M.D. from being present during the deposition of plaintiff's infant.

It is hereby ORDERED that the amended order so appealed from is unanimously affirmed without costs.

Entered: June 11, 2010

Patricia L. Morgan  
Clerk of the Court