

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

1351

CA 09-01676

PRESENT: SMITH, J.P., FAHEY, LINDLEY, SCONIERS, AND GORSKI, JJ.

SANDRA HILTS, PLAINTIFF-APPELLANT-RESPONDENT,

V

ORDER

FF THOMPSON HEALTH SYSTEM, INC., DOING BUSINESS
AS THOMPSON HEALTH, VALLEY VIEW FAMILY PRACTICE
ASSOCIATES, LLP, KATHRYN R. VANGELDER, N.P.,
DEFENDANTS-RESPONDENTS,
AND ROBERT J. OSTRANDER, M.D.,
DEFENDANT-RESPONDENT-APPELLANT.
(APPEAL NO. 1.)

PEGALIS & ERICKSON, LLC, LAKE SUCCESS (GERHARDT M. NIELSEN OF
COUNSEL), FOR PLAINTIFF-APPELLANT-RESPONDENT.

HIRSCH & TUBIOLO, P.C., ROCHESTER (CHRISTOPHER S. NOONE OF COUNSEL),
FOR DEFENDANT-RESPONDENT-APPELLANT.

Appeal and cross appeal from an order of the Supreme Court,
Ontario County (William F. Kocher, A.J.), entered June 23, 2009 in a
medical malpractice action. The order granted in part and denied in
part the motion of defendants for summary judgment.

It is hereby ORDERED that said appeal and cross appeal are
unanimously dismissed without costs (see *Loafin' Tree Rest. v Pardi*
[appeal No. 1], 162 AD2d 985).

Entered: November 19, 2010

Patricia L. Morgan
Clerk of the Court