

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

**789**

**CA 17-02088**

PRESENT: SMITH, J.P., CENTRA, LINDLEY, CURRAN, AND WINSLOW, JJ.

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JULIE E. PASEK, INDIVIDUALLY AND AS  
POWER OF ATTORNEY FOR JAMES G. PASEK,  
PLAINTIFF-RESPONDENT,

V

ORDER

CATHOLIC HEALTH SYSTEM, INC., ET AL.,  
DEFENDANTS,  
GREGORY V. TOBIAS, M.D. AND GEORGE R.  
BANCROFT, M.D., DEFENDANTS-APPELLANTS.

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ROACH, BROWN, MCCARTHY & GRUBER, P.C., BUFFALO (J. MARK GRUBER OF  
COUNSEL), FOR DEFENDANTS-APPELLANTS.

BROWN CHIARI LLP, BUFFALO (ANGELO S. GAMBINO OF COUNSEL), FOR  
PLAINTIFF-RESPONDENT.

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Appeal from an order of the Supreme Court, Erie County (Donna M. Siwek, J.), entered February 24, 2017. The order denied the motion of defendants Gregory V. Tobias, M.D., and George R. Bancroft, M.D., to dismiss the complaint against them.

It is hereby ORDERED that the order so appealed from is unanimously affirmed without costs for reasons stated in the decision at Supreme Court.

Entered: June 8, 2018

Mark W. Bennett  
Clerk of the Court