

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

481

CA 22-01508

PRESENT: PERADOTTO, J.P., BANNISTER, MONTOUR, AND GREENWOOD, JJ.

EMMETT HARRIS, PLAINTIFF-RESPONDENT,

V

MEMORANDUM AND ORDER

ROME MEMORIAL HOSPITAL, ET AL., DEFENDANTS,
THOMAS K. WEIDMAN, M.D., INDIVIDUALLY AND AS
AN AGENT, OFFICER, AND/OR EMPLOYEE OF UPSTATE
UNIVERSITY HOSPITAL AND/OR UPSTATE EMERGENCY
MEDICINE, INC., AND UPSTATE EMERGENCY
MEDICINE, INC., DEFENDANTS-APPELLANTS.
(APPEAL NO. 3.)

SUGARMAN LAW FIRM, LLP, SYRACUSE (CORY J. SCHOONMAKER OF COUNSEL), FOR
DEFENDANTS-APPELLANTS.

CHERUNDOLO LAW FIRM, PLLC, SYRACUSE (JOHN C. CHERUNDOLO OF COUNSEL),
FOR PLAINTIFF-RESPONDENT.

Appeal from an order of the Supreme Court, Oneida County (Scott J. DelConte, J.), entered September 21, 2022. The order denied the motion of defendants Upstate Emergency Medicine, Inc. and Thomas K. Weidman, M.D. for an order compelling plaintiff to accept service of their bill of particulars and directing that nonparty providers be included on the verdict sheet.

It is hereby ORDERED that said appeal from the order insofar as it denied that part of the motion seeking an order compelling plaintiff to accept the bill of particulars is unanimously dismissed and the order is affirmed without costs.

Same memorandum as in *Harris v Rome Mem. Hosp.* ([appeal No. 1] – AD3d – [Aug. 11, 2023] [4th Dept 2023]).

Entered: August 11, 2023

Ann Dillon Flynn
Clerk of the Court