

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

482

CA 22-01511

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

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EMMETT HARRIS, PLAINTIFF-RESPONDENT,

V

MEMORANDUM AND ORDER

ROME MEMORIAL HOSPITAL, DEFENDANT-APPELLANT,  
ET AL., DEFENDANTS.  
(APPEAL NO. 4.)

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GALE GALE & HUNT, LLC, FAYETTEVILLE (ANDREW R. BORELLI OF COUNSEL),  
FOR DEFENDANT-APPELLANT.

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

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Appeal from an order of the Supreme Court, Oneida County (Scott J. DelConte, J.), entered September 21, 2022. The order denied the cross-motion of defendant Rome Memorial Hospital to compel plaintiff to accept service of its supplemental bill of particulars.

It is hereby ORDERED that said appeal is unanimously dismissed 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