

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

483

CA 22-01512

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

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EMMETT HARRIS, PLAINTIFF-RESPONDENT,

V

MEMORANDUM AND ORDER

ROME MEMORIAL HOSPITAL, ET AL., DEFENDANTS,  
JOHN ELLIS, M.D., INDIVIDUALLY AND AS AN AGENT,  
OFFICER AND/OR EMPLOYEE OF ROME MEDICAL RADIOLOGY,  
DOING BUSINESS AS RADIOLOGY ASSOCIATES OF NEW  
HARTFORD, LLP AND RADIOLOGY ASSOCIATES OF NEW  
HARTFORD, LLP, DEFENDANTS-APPELLANTS.  
(APPEAL NO. 5.)

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MARTIN, GANOTIS, BROWN, MOULD & CURRIE, P.C., DEWITT (CAYLEY M. YOUNG  
OF COUNSEL), FOR DEFENDANTS-APPELLANTS.

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.), rendered September 21, 2022. The order denied the motion of defendants John Ellis, M.D. and Radiology Associates of New Hartford, LLP to compel plaintiff to accept service of their 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