

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

485

CA 22-01554

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

EMMETT HARRIS, PLAINTIFF-RESPONDENT,

V

MEMORANDUM AND ORDER

ROME MEMORIAL HOSPITAL, ET AL., DEFENDANTS,
AND EMERGENCY PHYSICIAN SERVICES OF NEW YORK, P.C.,
DEFENDANT-APPELLANT.
(APPEAL NO. 7.)

PHELAN, PHELAN & DANEK, LLP, ALBANY (TIMOTHY S. BRENNAN OF COUNSEL),
FOR DEFENDANT-APPELLANT.

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 26, 2022. The order denied the cross-motion of defendant Emergency Physician Services of New York, P.C. to include nonparty providers on the verdict sheet and denied that defendant's cross-motion to compel plaintiff to accept service of its supplemental bill of particulars.

It is hereby ORDERED that said appeal from the order insofar as it denied the cross-motion seeking an order compelling plaintiff to accept the supplemental 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