

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

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TP 23-01626

PRESENT: WHALEN, P.J., LINDLEY, OGDEN, NOWAK, AND DELCONTE, JJ.

IN THE MATTER OF THE ESTATE OF
CLANCY STARKS AND WATERFRONT OPERATIONS
ASSOCIATES, LLC, DOING BUSINESS AS
ELLCOTT CENTER FOR NURSING AND REHABILITATION,
PETITIONERS,

V

ORDER

NEW YORK STATE DEPARTMENT OF HEALTH
AND JAMES V. MCDONALD, IN HIS OFFICIAL CAPACITY
AS ACTING COMMISSIONER OF NEW YORK
STATE DEPARTMENT OF HEALTH, RESPONDENTS.

COWART DIZZIA LLP, NEW YORK CITY (JENNIFER NEARY OF COUNSEL), FOR
PETITIONERS.

LETITIA JAMES, ATTORNEY GENERAL, ALBANY (BRIAN LUSIGNAN OF COUNSEL),
FOR RESPONDENTS.

Proceeding pursuant to CPLR article 78 (transferred to the Appellate Division of the Supreme Court in the Fourth Judicial Department by order of the Supreme Court, Erie County [Mark J. Grisanti, A.J.], entered September 19, 2023) to review a determination of respondents. The determination denied a request for review of the denial of an application for Medicaid benefits submitted on behalf of Clancy Starks.

It is hereby ORDERED that the determination is unanimously confirmed without costs and the petition is dismissed.

Entered: March 15, 2024

Ann Dillon Flynn
Clerk of the Court