

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

380

CA 23-00345

PRESENT: WHALEN, P.J., CURRAN, GREENWOOD, NOWAK, AND KEANE, JJ.

SREEKRISHNA CHERUVU, PLAINTIFF-APPELLANT,

V

ORDER

HEALTHNOW NEW YORK, INC., DOING BUSINESS AS
BLUE CROSS AND BLUE SHIELD OF WESTERN NEW YORK,
INDEPENDENT HEALTH ASSOCIATION INC., INDIVIDUAL
PRACTICE ASSOCIATION OF WESTERN NEW YORK, INC.,
EXCELLUS HEALTH PLAN, INC., DOING BUSINESS AS
UNIVERA, AND SUSAN P. SCHULTZ, ALSO KNOWN AS
SUSAN NASON, DEFENDANTS-RESPONDENTS.

ZDARSKY, SAWICKI & AGOSTINELLI LLP, BUFFALO (GERALD T. WALSH OF
COUNSEL), FOR PLAINTIFF-APPELLANT.

WEBSTER SZANYI LLP, BUFFALO (MICHAEL P. MCCLAREN OF COUNSEL), FOR
DEFENDANTS-RESPONDENTS HEALTHNOW NEW YORK, INC., DOING BUSINESS AS
BLUE CROSS AND BLUE SHIELD OF WESTERN NEW YORK AND SUSAN P. SCHULTZ,
ALSO KNOWN AS SUSAN NASON.

NIXON PEABODY LLP, BUFFALO (MARK A. MOLLOY OF COUNSEL), FOR
DEFENDANTS-RESPONDENTS INDEPENDENT HEALTH ASSOCIATION INC. AND
INDIVIDUAL PRACTICE ASSOCIATION OF WESTERN NEW YORK, INC.

HODGSON RUSS LLP, BUFFALO (JOSHUA FEINSTEIN OF COUNSEL), FOR
DEFENDANT-RESPONDENT EXCELLUS HEALTH PLAN, INC., DOING BUSINESS AS
UNIVERA.

Appeal from an order of the Supreme Court, Erie County (Timothy
J. Walker, A.J.), entered January 19, 2023. The order granted the
motions of defendants to dismiss the complaint.

It is hereby ORDERED that the order so appealed from is
unanimously affirmed without costs.

Entered: June 14, 2024

Ann Dillon Flynn
Clerk of the Court