

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

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CA 21-00802

PRESENT: PERADOTTO, J.P., LINDLEY, NEMOYER, CURRAN, AND WINSLOW, JJ.

JOHN M. BRAXTON, AS ADMINISTRATOR OF THE ESTATE OF
SHEILA M. BRAXTON, DECEASED, PLAINTIFF-APPELLANT,

V

MEMORANDUM AND ORDER

ERIE COUNTY MEDICAL CENTER CORPORATION,
DEFENDANT-RESPONDENT,
ET AL., DEFENDANTS.
(APPEAL NO. 4.)

LAW OFFICE OF J. MICHAEL HAYES, BUFFALO (J. MICHAEL HAYES OF COUNSEL),
FOR PLAINTIFF-APPELLANT.

RICOTTA MATTREY CALLOCCHIA MARKEL & CASSERT, BUFFALO (BRYAN J. DANIELS
OF COUNSEL), FOR DEFENDANT-RESPONDENT.

Appeal from an order of the Supreme Court, Erie County (Frederick J. Marshall, J.), entered May 20, 2021. The order granted the motion of defendant Erie County Medical Center Corporation for summary judgment dismissing the amended complaint and all cross claims against it.

It is hereby ORDERED that the order so appealed from is unanimously reversed on the law without costs, the motion of defendant Erie County Medical Center Corporation is denied, and the amended complaint and cross claims against that defendant are reinstated.

Same memorandum as in *Braxton v Erie County Med. Ctr. Corp.* ([appeal No. 1] – AD3d – [Aug. 4, 2022] [4th Dept 2022]).

Entered: August 4, 2022

Ann Dillon Flynn
Clerk of the Court