

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

913

CA 12-02162

PRESENT: SMITH, J.P., CARNI, SCONIERS, AND VALENTINO, JJ.

ROY T. PEMBERTON AND LYNETTE PEMBERTON,
PLAINTIFFS-APPELLANTS,

V

ORDER

KALEIDA HEALTH, DEFENDANT-RESPONDENT.

LEWIS & LEWIS, P.C., BUFFALO (ALLAN M. LEWIS OF COUNSEL), FOR
PLAINTIFFS-APPELLANTS.

GIBSON, MCASKILL & CROSBY, LLP, BUFFALO (VICTOR OLIVERI OF COUNSEL),
FOR DEFENDANT-RESPONDENT.

Appeal from an order of the Supreme Court, Erie County (Timothy J. Walker, A.J.), entered August 8, 2012. The order granted the motion of defendant for summary judgment and dismissed the complaint.

It is hereby ORDERED that the order so appealed from is unanimously affirmed without costs for reasons stated in the decision at Supreme Court.

Entered: September 27, 2013

Frances E. Cafarell
Clerk of the Court