

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

1396

CA 13-01597

PRESENT: SCUDDER, P.J., SMITH, CARNI, LINDLEY, AND SCONIERS, JJ.

KENNETH M. SCHLAU, JR., PLAINTIFF-RESPONDENT,

V

MEMORANDUM AND ORDER

CITY OF BUFFALO, BUFFALO URBAN RENEWAL AGENCY,
WESTERN NEW YORK ARENA, LLC, HSBC ARENA, ADT
SECURITY SERVICES, INC. (ADT), U. & S.
SERVICES, INC., DEFENDANTS-APPELLANTS,
ET AL., DEFENDANTS.
(APPEAL NO. 3.)

WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP, NEW YORK CITY (GREGORY
J. DELL OF COUNSEL), FOR DEFENDANTS-APPELLANTS CITY OF BUFFALO,
BUFFALO URBAN RENEWAL AGENCY, WESTERN NEW YORK ARENA, LLC, HSBC ARENA,
AND ADT SECURITY SERVICES, INC. (ADT).

ROACH, BROWN, MCCARTHY & GRUBER, P.C., BUFFALO (JOEL J. JAVA, JR., OF
COUNSEL), FOR DEFENDANT-APPELLANT U. & S. SERVICES, INC.

PAUL W. BELTZ, P.C., BUFFALO (DEBRA A. NORTON OF COUNSEL), FOR
PLAINTIFF-RESPONDENT.

Appeals from an order of the Supreme Court, Erie County (Diane Y. Devlin, J.), entered July 8, 2013. The order, among other things, denied the motions of defendants City of Buffalo, Buffalo Urban Renewal Agency, Western New York Arena, LLC, HSBC Arena, ADT Security Services, Inc. (ADT) and U. & S. Services, Inc. to compel production of complete copies of plaintiff's medical records previously subpoenaed to Supreme Court.

It is hereby ORDERED that the order so appealed from is unanimously modified on the law by granting the motions in part and directing plaintiff to produce unredacted copies of his hospital and pediatric medical records dated on or after March 20, 1997, and as modified the order is affirmed without costs.

Same Memorandum as in *Schlau v City of Buffalo* ([appeal No. 1] ___ AD3d ___ [Feb. 13, 2015]).

Entered: February 13, 2015

Frances E. Cafarell
Clerk of the Court