

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

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CA 15-00590

PRESENT: WHALEN, P.J., CENTRA, LINDLEY, TROUTMAN, AND SCUDDER, JJ.

CATHERINE M. HEARY, PLAINTIFF-RESPONDENT,

V

MEMORANDUM AND ORDER

DENISE HIBIT AND ERIK M. HIBIT,
DEFENDANTS-APPELLANTS.
(APPEAL NO. 2.)

BOUVIER PARTNERSHIP, LLP, BUFFALO (NORMAN E.S. GREENE OF COUNSEL), FOR
DEFENDANTS-APPELLANTS.

GROSS SHUMAN BRIZDLE & GILFILLAN, P.C., BUFFALO (SARAH P. RERA OF
COUNSEL), FOR PLAINTIFF-RESPONDENT.

Appeal from an order of the Supreme Court, Erie County (John L. Michalski, A.J.), entered July 21, 2014. The order, insofar as appealed from, denied that part of the motion of defendants to compel plaintiff to submit to an independent medical examination by an orthopedist.

It is hereby ORDERED that the order insofar as appealed from is unanimously reversed on the law without costs and defendants' motion is granted in its entirety.

Same memorandum as in *Heary v Hibit* ([appeal No. 1] ___ AD3d ___ [Apr. 29, 2016]).

Entered: April 29, 2016

Frances E. Cafarell
Clerk of the Court