

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

965

CA 15-01053

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

EARTHA C. SOUTHERN, INDIVIDUALLY AND AS PARENT
AND NATURAL GUARDIAN AND ADMINISTRATOR OF THE
ESTATE OF MALACHI SOUTHERN, INFANT, DECEASED,
PLAINTIFF-APPELLANT,

V

ORDER

SENZAN HSU, M.D., CHILDREN'S HOSPITAL OF BUFFALO
OF KALEIDA HEALTH, DEFENDANTS-RESPONDENTS,
ET AL., DEFENDANT.

EARTHA C. SOUTHERN, PLAINTIFF-APPELLANT PRO SE.

GIBSON, MCASKILL & CROSBY, LLP, BUFFALO (MICHAEL J. WILLETT OF
COUNSEL), FOR DEFENDANT-RESPONDENT SENZAN HSU, M.D.

ROACH, BROWN, MCCARTHY & GRUBER, P.C., BUFFALO (ELIZABETH G. ADYMY OF
COUNSEL), FOR DEFENDANT-RESPONDENT CHILDREN'S HOSPITAL OF BUFFALO OF
KALEIDA HEALTH.

Appeal from an order of the Supreme Court, Erie County (John M. Curran, J.), entered April 9, 2015. The order granted the motions of defendants Senzan Hsu, M.D., and Children's Hospital of Buffalo of Kaleida Health, for summary judgment dismissing all claims and cross claims against them.

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: November 10, 2016

Frances E. Cafarell
Clerk of the Court