

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

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CA 16-00970

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

CARMEN BRITT AND CARMEN BRITT, AS EXECUTOR OF
THE ESTATE OF LULA BAITY, DECEASED,
PLAINTIFF-APPELLANT,

V

ORDER

BUFFALO MUNICIPAL HOUSING AUTHORITY, ET AL.,
DEFENDANTS,
GRACE MANOR HEALTH CARE FACILITY, INC.,
NELDA LAWLER, M.D., AND TERESA CHAU, M.D.,
DEFENDANTS-RESPONDENTS.
(APPEAL NO. 1.)

TIMOTHY R. LOVALLO, BUFFALO, FOR PLAINTIFF-APPELLANT.

FELDMAN KIEFFER, LLP, BUFFALO (ADAM C. FERRANDINO OF COUNSEL), FOR
DEFENDANT-RESPONDENT GRACE MANOR HEALTH CARE FACILITY, INC.

GIBSON, MCASKILL & CROSBY, LLP, BUFFALO (MICHAEL J. WILLETT OF
COUNSEL), FOR DEFENDANTS-RESPONDENTS NELDA LAWLER, M.D., AND TERESA
CHAU, M.D.

Appeal from an order of the Supreme Court, Erie County (Diane Y. Devlin, J.), entered August 11, 2015. The order denied the motion of plaintiff to amend the complaint, granted the cross motions of defendants Grace Manor Health Care Facility, Inc., Nelda Lawler, M.D., and Teresa Chau, M.D., for costs, and enjoined plaintiff from initiating further proceedings without prior leave of the court.

It is hereby ORDERED that said appeal is unanimously dismissed with costs (*see Hughes v Nussbaumer, Clarke & Velzy*, 140 AD2d 988; *Chase Manhattan Bank, N.A. v Roberts & Roberts*, 63 AD2d 566, 567; *see also CPLR 5501 [a] [1]*).

Entered: April 28, 2017

Frances E. Cafarell
Clerk of the Court