

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

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CA 16-01666

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

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KEITH MAY, PLAINTIFF-RESPONDENT,

V

MEMORANDUM AND ORDER

BUFFALO MRI PARTNERS, L.P., ET AL., DEFENDANTS,  
AND HARI GOPAL, M.D., DEFENDANT-APPELLANT.  
(APPEAL NO. 1.)

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THE TARANTINO LAW FIRM, LLP, BUFFALO (JENNA S. STRAZZULLA OF COUNSEL),  
FOR DEFENDANT-APPELLANT.

ROLAND M. CERCONE, PLLC, BUFFALO (ROLAND M. CERCONE OF COUNSEL), FOR  
PLAINTIFF-RESPONDENT.

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Appeal from an order of the Supreme Court, Erie County (John M. Curran, J.), entered January 22, 2016. The order, inter alia, converted the motion of defendant Hari Gopal, M.D., to dismiss the amended complaint against him to a motion for summary judgment.

It is hereby ORDERED that said appeal is unanimously dismissed without costs.

Same memorandum as in *May v Buffalo MRI Partners, L.P.* ([appeal No. 2] \_\_\_ AD3d \_\_\_ [June 9, 2017]).

Entered: June 9, 2017

Frances E. Cafarell  
Clerk of the Court