

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

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CA 17-01762

PRESENT: CENTRA, J.P., CARNI, NEMOYER, CURRAN, AND WINSLOW, JJ.

JOSEPH G. RUSNAK, M.D., MARY TURKIEWICZ, M.D.,
JAMES FITZGERALD, M.D., JOHN FITZGERALD, M.D.,
AND CLAUDIA FOSKET, M.D., PLAINTIFFS-RESPONDENTS,

V

ORDER

THOMAS O. MASON, M.D., ET AL., DEFENDANTS,
AND SOUTHTOWNS RADIOLOGY, LLC, DEFENDANT-APPELLANT.

BOND SCHOENECK & KING, PLLC, BUFFALO (MITCHELL J. BANAS, JR., OF
COUNSEL), FOR DEFENDANT-APPELLANT.

PHILLIPS LYTTLE LLP, BUFFALO (DAVID J. MCNAMARA OF COUNSEL), FOR
PLAINTIFFS-RESPONDENTS.

Appeal from an order and judgment (one paper) of the Supreme Court, Erie County (Deborah A. Chimes, J.), entered May 19, 2017. The order and judgment, inter alia, granted the motion of plaintiffs for partial summary judgment awarding damages for withheld distributions.

It is hereby ORDERED that the order and judgment so appealed from is unanimously affirmed without costs.

Entered: March 16, 2018

Mark W. Bennett
Clerk of the Court