

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

650

**CA 15-00495**

PRESENT: WHALEN, P.J., CENTRA, PERADOTTO, AND TROUTMAN, JJ.

---

JACEK WOLOSZUK, INDIVIDUALLY AND AS EXECUTOR  
OF THE ESTATE OF ELLEN WOLOSZUK, DECEASED,  
PLAINTIFF-RESPONDENT,

V

MEMORANDUM AND ORDER

WENDE LOGAN-YOUNG, M.D., DOING BUSINESS AS  
ELIZABETH WENDE BREAST CLINIC, WENDE  
LOGAN-YOUNG, M.D., PHILIP MURPHY, M.D.,  
DEFENDANTS-APPELLANTS,  
ET AL., DEFENDANTS.  
(APPEAL NO. 3.)

---

UNDERBERG & KESSLER LLP, ROCHESTER (MARGARET E. SOMERSET OF COUNSEL),  
FOR DEFENDANTS-APPELLANTS.

PAUL WILLIAM BELTZ, P.C., BUFFALO (ANNE B. RIMMLER OF COUNSEL), FOR  
PLAINTIFF-RESPONDENT.

---

Appeal from an order of the Supreme Court, Monroe County (Matthew A. Rosenbaum, J.), entered December 23, 2014. The order, *inter alia*, struck the answer of defendant "Elizabeth Wende Breast Clinic, LLC."

It is hereby ORDERED that the order so appealed from is unanimously modified on the law by vacating that part of the first ordering paragraph striking the answer of defendant "Elizabeth Wende Breast Clinic, LLC" and as modified the order is affirmed without costs.

Same memorandum as in *Woloszuk v Wende Logan-Young, M.D., doing business as Elizabeth Wende Breast Clinic* ([appeal No. 1] – AD3d – [June 8, 2018] [4th Dept 2018]).

Entered: June 8, 2018

Mark W. Bennett  
Clerk of the Court