

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

651

CA 15-00496

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. 4.)

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, among other things, granted the motion of plaintiff to amend the caption and directed that the previously imposed sanction of striking the answer shall apply to defendant Wende Logan-Young, M.D., doing business as Elizabeth Wende Breast Clinic.

It is hereby ORDERED that the order so appealed from is unanimously modified on the law by vacating the third ordering paragraph and substituting therefor a provision directing defendant Wende Logan-Young, M.D., doing business as Elizabeth Wende Breast Clinic, to reimburse plaintiff for expenses incurred as a result of the delayed disclosure, 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