

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

749

CA 17-01192

PRESENT: CENTRA, J.P., PERADOTTO, LINDLEY, DEJOSEPH, AND CURRAN, JJ.

JEAN MCCARTHY, PLAINTIFF-APPELLANT,

V

MEMORANDUM AND ORDER

SIDDHARTHA S. SHAH, M.D. AND GASTROENTEROLOGY
ASSOCIATES, LLP, DEFENDANTS-RESPONDENTS.
(APPEAL NO. 2.)

CAMPBELL & ASSOCIATES, EDEN (R. COLIN CAMPBELL OF COUNSEL), FOR
PLAINTIFF-APPELLANT.

GIBSON, MCASKILL & CROSBY, LLP, BUFFALO (KARA M. EYRE OF COUNSEL), FOR
DEFENDANTS-RESPONDENTS.

Appeal from an order of the Supreme Court, Erie County (Eugene F. Pigott, Jr., J.), entered April 25, 2017. The order granted defendants' motion to dismiss plaintiff's claim for punitive damages.

It is hereby ORDERED that the order so appealed from is unanimously reversed on the law without costs, the motion is denied and the claim for punitive damages is reinstated.

Same memorandum as in *McCarthy v Shah* ([appeal No. 1] – AD3d – [June 29, 2018] [4th Dept 2018]).

Entered: June 29, 2018

Mark W. Bennett
Clerk of the Court