

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

**903**

**CA 19-00434**

PRESENT: WHALEN, P.J., SMITH, CENTRA, NEMOYER, AND TROUTMAN, JJ.

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CARLEY J. SMITH, PLAINTIFF-APPELLANT,

V

ORDER

SAMARITAN MEDICAL CENTER, DEFENDANT,  
AND ELLIOT S. COHEN, M.D., DEFENDANT-RESPONDENT.  
(APPEAL NO. 2.)

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STANLEY LAW OFFICES, LLP, SYRACUSE (ANNA B. ROBBINS OF COUNSEL), FOR  
PLAINTIFF-APPELLANT.

SUGARMAN LAW FIRM, LLP, SYRACUSE (CORY J. SCHOONMAKER OF COUNSEL), FOR  
DEFENDANT-RESPONDENT.

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Appeal from an order of the Supreme Court, Jefferson County  
(James P. McClusky, J.), entered November 28, 2018. The order granted  
the motion of defendant Elliot S. Cohen, M.D., for summary judgment.

It is hereby ORDERED that the order so appealed from is  
unanimously affirmed without costs for reasons stated at Supreme  
Court.

Entered: September 27, 2019

Mark W. Bennett  
Clerk of the Court