

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

1164

CA 19-01197

PRESENT: WHALEN, P.J., CENTRA, PERADOTTO, NEMOYER, AND WINSLOW, JJ.

JOSEPH P. DANIEL, AS ADMINISTRATOR OF THE
ESTATE OF SAMARA L. DANIEL, DECEASED,
PLAINTIFF-RESPONDENT,

V

ORDER

ERIE COUNTY MEDICAL CENTER CORPORATION, VIVEK
PRASAD, M.D., MEDICAL SEARCH INTERNATIONAL, INC.,
DEFENDANTS,
AND WONHOON PARK, M.D., DEFENDANT-APPELLANT.

RICOTTA, MATTREY, CALLOCCHIA, MARKEL & CASSERT, BUFFALO (TOMAS J.
CALLOCCHIA OF COUNSEL), FOR DEFENDANT-APPELLANT.

ANDREWS, BERNSTEIN, MARANTO & NICOTRA, PLLC, BUFFALO (ROBERT J.
MARANTO, JR., OF COUNSEL), FOR PLAINTIFF-RESPONDENT.

ROACH, BROWN, MCCARTHY & GRUBER, P.C., BUFFALO (JOHN P. DANIEU OF
COUNSEL), FOR DEFENDANT ERIE COUNTY MEDICAL CENTER CORPORATION.

FELDMAN KIEFFER, LLP, BUFFALO (GORDON TRESCH OF COUNSEL), FOR
DEFENDANTS VIVEK PRASAD, M.D. AND MEDICAL SEARCH INTERNATIONAL, INC.

Appeal from an order of the Supreme Court, Erie County (Frederick
J. Marshall, J.), entered June 3, 2019. The order denied the motion
of defendant Wonhoon Park, M.D. for summary judgment dismissing
plaintiff's second amended complaint against him.

Now, upon the stipulation of discontinuance signed by the
attorneys for the parties on February 25, 2020, and filed in the Erie
County Clerk's Office on March 18, 2020,

It is hereby ORDERED that said appeal is unanimously dismissed
without costs upon stipulation.

Entered: June 12, 2020

Mark W. Bennett
Clerk of the Court