

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

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CA 21-00745

PRESENT: WHALEN, P.J., SMITH, PERADOTTO, AND WINSLOW, JJ.

NORMAN K., INDIVIDUALLY AND AS ADMINISTRATOR
OF THE ESTATE OF DANIELLE L.K., DECEASED, AND
AS PARENT AND NATURAL GUARDIAN OF DEVYN K.,
BRIANE M. AND TYLER A.M., PLAINTIFF-RESPONDENT,

V

MEMORANDUM AND ORDER

ALAN POSNER, M.D., ET AL., DEFENDANTS
AND LYNNE ROSS, M.D., DEFENDANT-APPELLANT.
(APPEAL NO. 2.)

EAGAN & HEIMER PLLC, BUFFALO (LAUREN HEIMER OF COUNSEL), FOR
DEFENDANT-APPELLANT.

VINAL & VINAL, P.C., BUFFALO (JEANNE M. VINAL OF COUNSEL), FOR
PLAINTIFF-RESPONDENT.

Appeal from an order of the Supreme Court, Erie County (Frederick J. Marshall, J.), entered April 30, 2021. The order granted the motion of plaintiff to settle the order.

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

Same memorandum as in *Norman K. v Posner* ([appeal No. 1] – AD3d – [July 8, 2022] [4th Dept 2022]).

Entered: July 8, 2022

Ann Dillon Flynn
Clerk of the Court