

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

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CA 21-00801

PRESENT: PERADOTTO, J.P., LINDLEY, NEMOYER, CURRAN, AND WINSLOW, JJ.

JOHN M. BRAXTON, AS ADMINISTRATOR OF THE ESTATE OF
SHEILA M. BRAXTON, DECEASED, PLAINTIFF-APPELLANT,

V

MEMORANDUM AND ORDER

ERIE COUNTY MEDICAL CENTER CORPORATION, ET AL.,
DEFENDANTS,
AND JOSEPH RIEDY, JR., D.O., DEFENDANT-RESPONDENT.
(APPEAL NO. 3.)

LAW OFFICE OF J. MICHAEL HAYES, BUFFALO (J. MICHAEL HAYES OF COUNSEL),
FOR PLAINTIFF-APPELLANT.

THE TARANTINO LAW FIRM, LLP, BUFFALO (MARYLOU K. ROSHIA OF COUNSEL),
FOR DEFENDANT-RESPONDENT.

Appeal from an order of the Supreme Court, Erie County (Frederick J. Marshall, J.), entered May 20, 2021. The order denied the motion of defendant Joseph Riedy, Jr., D.O., for summary judgment dismissing the amended complaint against him.

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

Same memorandum as in *Braxton v Erie County Med. Ctr. Corp.* ([appeal No. 1] – AD3d – [Aug. 4, 2022] [4th Dept 2022]).

Entered: August 4, 2022

Ann Dillon Flynn
Clerk of the Court