

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

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CA 21-01395

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

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CAROL M. ALLEN, PLAINTIFF-RESPONDENT,

V

MEMORANDUM AND ORDER

DAVID C. GRIMM, M.D., SHARON L. MANSFIELD, FNP-C,  
CANANDAIGUA ORTHOPAEDIC ASSOCIATES, P.C.,  
DEFENDANTS-APPELLANTS,  
ET AL., DEFENDANTS.  
(APPEAL NO. 2.)

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HIRSCH & TUBIOLO, P.C., ROCHESTER (TAYLOR MARIE HOLMES OF COUNSEL),  
FOR DEFENDANTS-APPELLANTS.

ZIFF LAW FIRM, LLP, ELMIRA (CHRISTINA BRUNER SONSIRE OF COUNSEL), FOR  
PLAINTIFF-RESPONDENT.

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Appeal from an order of the Supreme Court, Steuben County (Patrick F. McAllister, A.J.), entered September 7, 2021. The order, insofar as appealed from, denied in part the motion of defendants David C. Grimm, M.D., Sharon L. Mansfield, FNP-C, and Canandaigua Orthopaedic Associates, P.C., for summary judgment dismissing the complaint against them.

It is hereby ORDERED that the order so appealed from is unanimously affirmed without costs.

Same memorandum as in *Allen v Grimm* ([appeal No. 1] – AD3d – [Sept. 30, 2022] [4th Dept 2022]).

Entered: September 30, 2022

Ann Dillon Flynn  
Clerk of the Court