

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

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CA 21-01290

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

MICHELE IANNELLO WARD, AS EXECUTOR OF THE
ESTATE OF MICHAEL S. IANNELLO, DECEASED,
PLAINTIFF-RESPONDENT-APPELLANT,

V

ORDER

BROTHERS OF MERCY NURSING AND REHABILITATION
CENTER AND BROTHERS OF MERCY NURSING HOME
COMPANY, DEFENDANTS-APPELLANTS-RESPONDENTS.

ROACH, BROWN, MCCARTHY & GRUBER, P.C., BUFFALO (HEDWIG M. AULETTA OF
COUNSEL), FOR DEFENDANTS-APPELLANTS-RESPONDENTS.

BROWN CHIARI LLP, BUFFALO (JESSE A. DRUMM OF COUNSEL), FOR
PLAINTIFF-RESPONDENT-APPELLANT.

Appeal and cross appeal from an order of the Supreme Court, Erie
County (Paul Wojtaszek, J.), entered August 23, 2021. The order,
inter alia, granted in part and denied in part the motion of
defendants for summary judgment dismissing the complaint.

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

Entered: September 30, 2022

Ann Dillon Flynn
Clerk of the Court