

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

868

CA 21-01617

PRESENT: SMITH, J.P., PERADOTTO, CURRAN, WINSLOW, AND MONTOUR, JJ.

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JENNIFER BURRY, AS EXECUTOR OF THE ESTATE OF  
THERESA BURRY, DECEASED, AND JENNIFER BURRY,  
INDIVIDUALLY, PLAINTIFF-RESPONDENT,

V

ORDER

DANIEL ALEXANDER, M.D., FINGER LAKES HEALTH,  
DOING BUSINESS AS FINGER LAKES BONE AND  
JOINT, LLP, DOING BUSINESS AS FINGER LAKES HEALTH,  
DEFENDANTS-APPELLANTS,  
ERIN WILKINSON, P.A., ET AL., DEFENDANTS.

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BROWN, GRUTTADARO & PRATO, PLLC, ROCHESTER (DENNIS GRUTTADARO OF  
COUNSEL), FOR DEFENDANTS-APPELLANTS.

MANGAN LOUIS LLP, NEW YORK CITY (MICHAEL G. MANGAN OF COUNSEL), FOR  
PLAINTIFF-RESPONDENT.

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Appeal from an order of the Supreme Court, Ontario County  
(William K. Taylor, J.), entered April 8, 2021. The order denied the  
motion of defendants Daniel Alexander, M.D., Erin Wilkinson, P.A., and  
Finger Lakes Health, doing business as Finger Lakes Bone and Joint,  
LLP, doing business as Finger Lakes Health for summary judgment.

It is hereby ORDERED that the order so appealed from is  
unanimously affirmed without costs for reasons stated in the decision  
at Supreme Court.

Entered: November 10, 2022

Ann Dillon Flynn  
Clerk of the Court