

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

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CA 22-00912

PRESENT: WHALEN, P.J., SMITH, PERADOTTO, BANNISTER, AND OGDEN, JJ.

KENNETH HEINRICH, INDIVIDUALLY AND AS
ADMINISTRATOR OF THE ESTATE OF DAVID ALAN
HEINRICH, DECEASED, PLAINTIFF-RESPONDENT,

V

MEMORANDUM AND ORDER

KELLEY A. SERENS, NP, ET AL., DEFENDANTS,
AND VIVIAN CHAN, M.D., DEFENDANT-APPELLANT.
(APPEAL NO. 2.)

LETITIA JAMES, ATTORNEY GENERAL, ALBANY (DUSTIN J. BROCKNER OF
COUNSEL), FOR DEFENDANT-APPELLANT.

SIDNEY P. COMINSKY, LLC, SYRACUSE (SIDNEY P. COMINSKY OF COUNSEL), FOR
PLAINTIFF-RESPONDENT.

Appeal from an order of the Supreme Court, Onondaga County
(Joseph E. Lamendola, J.), entered March 9, 2022. The order, inter
alia, granted the motion of plaintiff seeking leave to reargue and,
upon reargument, denied the motion of defendant Vivian Chan, M.D.,
among others, insofar as it sought summary judgment dismissing the
amended complaint against Chan.

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

Same memorandum as in *Heinrich v Serens* ([appeal No. 1] – AD3d –
[June 9, 2023] [4th Dept 2023]).

Entered: June 9, 2023

Ann Dillon Flynn
Clerk of the Court