

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

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CA 23-00223

PRESENT: WHALEN, P.J., BANNISTER, MONTOUR, OGDEN, AND DELCONTE, JJ.

CHRISTOPHER CRYSLER, INDIVIDUALLY AND AS
ADMINISTRATOR OF THE ESTATE OF JENNIFER IRIS
CRYSLER, DECEASED, PLAINTIFF-RESPONDENT,

V

MEMORANDUM AND ORDER

MEHMET ERK, M.D., ET AL., DEFENDANTS,
DONALD D. HICKEY, M.D., KALEIDA HEALTH AND
MILLARD FILLMORE SUBURBAN HOSPITAL,
DEFENDANTS-APPELLANTS.
(APPEAL NO. 1.)

ROACH, BROWN, MCCARTHY & GRUBER, P.C., BUFFALO (JOHN P. DANIEU OF
COUNSEL), FOR DEFENDANTS-APPELLANTS.

LIPSITZ, PONTERIO & COMERFORD, LLC, BUFFALO (DENNIS P. HARLOW OF
COUNSEL), FOR PLAINTIFF-RESPONDENT.

Appeal from an order of the Supreme Court, Erie County (Henry J. Nowak, J.), entered January 4, 2023. The order, inter alia, granted in part the motion of plaintiff to compel disclosure.

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

Same memorandum as in *Crysler v Erk* ([appeal No. 2] – AD3d – [May 3, 2024] [4th Dept 2024]).

Entered: May 3, 2024

Ann Dillon Flynn
Clerk of the Court