

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

**843**

**CA 23-01844**

PRESENT: WHALEN, P.J., LINDLEY, BANNISTER, NOWAK, AND HANNAH, JJ.

---

KENNETH KULA, INDIVIDUALLY AND AS ADMINISTRATOR  
OF THE ESTATE OF NORBERT E. KULA, DECEASED,  
PLAINTIFF-RESPONDENT,

V

ORDER

KATHERINE LUTHER RESIDENTIAL HEALTH CARE &  
REHABILITATION CENTER, INC.,  
DEFENDANT-RESPONDENT,  
ET AL., DEFENDANTS.

-----  
OLIVE TREE MEDICAL ASSOCIATES, PLLC, AND  
JOHN ALLEN PYLMAN, M.D., APPELLANTS.

---

HIRSCH & TUBIOLO, P.C., PITTSFORD (RICHARD S. TUBIOLO OF COUNSEL), FOR  
APPELLANTS.

ROBERT F. JULIAN, P.C., UTICA (STEPHANIE A. PALMER OF COUNSEL), FOR  
PLAINTIFF-RESPONDENT.

WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER, LLP, WHITE PLAINS (KARA M.  
EYRE OF COUNSEL), FOR DEFENDANT-RESPONDENT.

---

Appeal from an order of the Supreme Court, Oneida County (Julie G. Denton, J.), entered September 29, 2023. The order, among other things, granted the motion of plaintiff for leave to amend the complaint to add Olive Tree Medical Associates, PLLC, and John Pylman, M.D., as defendants.

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

Entered: December 20, 2024

Ann Dillon Flynn  
Clerk of the Court