

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

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CA 23-01057

PRESENT: SMITH, J.P., BANNISTER, OGDEN, AND GREENWOOD, JJ.

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DENALI T., AN INFANT BY AND THROUGH TRACY A.,  
HER PARENT AND NATURAL GUARDIAN, AND TRACY A.,  
INDIVIDUALLY, PLAINTIFFS-RESPONDENTS,

V

ORDER

JENNIE DEMBSKI, M.D., KALEIDA HEALTH,  
DOING BUSINESS AS WOMEN AND CHILDREN'S  
HOSPITAL OF BUFFALO, DEFENDANTS-APPELLANTS,  
ET AL., DEFENDANTS.

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CONNORS LLP, BUFFALO (MOLLIE C. MCGORRY OF COUNSEL), FOR  
DEFENDANTS-APPELLANTS.

THE DEMPSEY FIRM, PLLC, BUFFALO (CATHERINE B. DEMPSEY OF COUNSEL), FOR  
PLAINTIFFS-RESPONDENTS.

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Appeal from an order of the Supreme Court, Erie County (John B. Licata, J.), entered January 10, 2023. The order, insofar as appealed from, denied the motion of defendants insofar as it sought summary judgment dismissing the complaint against defendants Jennie Dembski, M.D., and Kaleida Health, doing business as Women and Children's Hospital of Buffalo.

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: June 14, 2024

Ann Dillon Flynn  
Clerk of the Court