

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

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CA 08-00776

PRESENT: SCUDDER, P.J., HURLBUTT, PERADOTTO, AND GORSKI, JJ.

JAMES LUPPINO, SUCCESSOR ADMINISTRATOR OF THE
ESTATE OF MARIA V. LUPPINO, DECEASED,
PLAINTIFF-RESPONDENT,

V

MEMORANDUM AND ORDER

WILLIAM E. O'BRIEN, M.D., ET AL., DEFENDANTS,
AND CATHOLIC HEALTH SYSTEM, DOING BUSINESS AS
KENMORE MERCY HOSPITAL, DEFENDANT-APPELLANT.
(APPEAL NO. 2.)

DAMON & MOREY LLP, BUFFALO (MICHAEL J. WILLETT OF COUNSEL), FOR
DEFENDANT-APPELLANT.

PAUL WILLIAM BELTZ, P.C., BUFFALO (DEBRA A. NORTON OF COUNSEL), FOR
PLAINTIFF-RESPONDENT.

Appeal from an order of the Supreme Court, Erie County (Joseph D. Mintz, J.), entered March 27, 2008. The order denied the motion of defendant Catholic Health System, doing business as Kenmore Mercy Hospital, for, inter alia, leave to renew.

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

Same Memorandum as in *Luppino v O'Brien* ([appeal No. 1] ___ AD3d
___ [Feb. 6, 2009]).

Entered: February 6, 2009

JoAnn M. Wahl
Clerk of the Court