

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

**228.2**

**CA 08-02161**

PRESENT: HURLBUTT, J.P., MARTOCHE, SMITH, CENTRA, AND PERADOTTO, JJ.

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ANNE HUNOLD, INDIVIDUALLY AND AS EXECUTRIX OF  
THE ESTATE OF ANNE COOK, DECEASED, AND JEROLD  
COOK, DERIVATIVELY, PLAINTIFFS-RESPONDENTS,

V

ORDER

COMMUNITY GENERAL HOSPITAL OF GREATER SYRACUSE,  
ET AL., DEFENDANTS,  
CHAG ANESTHESIA, P.C., SCOTT REIZUN, M.D.,  
ADAM WARNIKEN, C.R.N.A., AND MICHAEL TAMUL, M.D.,  
DEFENDANTS-APPELLANTS.

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NEW YORK STATE DEPARTMENT OF HEALTH, APPELLANT.  
(APPEAL NO. 2.)

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BROWN & TARANTINO, LLC, BUFFALO (ANN M. CAMPBELL OF COUNSEL), FOR  
DEFENDANTS-APPELLANTS.

ANDREW M. CUOMO, ATTORNEY GENERAL, ALBANY (VICTOR PALADINO OF  
COUNSEL), FOR APPELLANT.

SIDNEY P. COMINSKY TRIAL LAWYERS, LLC, SYRACUSE (SIDNEY P. COMINSKY OF  
COUNSEL), FOR PLAINTIFFS-RESPONDENTS.

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Appeals from an order of the Supreme Court, Onondaga County (John C. Cherundolo, J.), entered October 10, 2008. The order denied the motion of the New York State Department of Health and the cross motion of defendants Chag Anesthesia, P.C., Scott Reizun, M.D., Adam Warniken, C.R.N.A., and Michael Tamul, M.D. seeking, inter alia, to vacate the order in appeal No. 1.

It is hereby ORDERED that said appeals are unanimously dismissed without costs as moot (see *Hunold v Community Gen. Hosp. of Greater Syracuse* [appeal No. 1], \_\_\_ AD3d \_\_\_ [Apr. 24, 2009]).

Entered: April 24, 2009

Patricia L. Morgan  
Deputy Clerk of the Court