

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

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CA 08-02506

PRESENT: HURLBUTT, J.P., MARTOCHE, CENTRA, PINE, AND GORSKI, JJ.

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JOSEPH SELVA AND KATHERINE SELVA,  
PLAINTIFFS-RESPONDENTS,

V

ORDER

MEDELINE AMBRUS LILLIE, M.D., ET AL.,  
DEFENDANTS,  
AND SYLVIA REGALLA, M.D., DEFENDANT-APPELLANT.

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DAMON & MOREY LLP, BUFFALO (AMY ARCHER FLAHERTY OF COUNSEL), FOR  
DEFENDANT-APPELLANT.

NAPOLI BERN RIPKA, LLP, NEW YORK CITY (DENISE A. RUBIN OF COUNSEL),  
FOR PLAINTIFFS-RESPONDENTS.

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Appeal from an order of the Supreme Court, Erie County (Joseph D. Mintz, J.), entered July 2, 2008 in a medical malpractice action. The order denied the motion of defendant Sylvia Regalla, M.D. for summary judgment.

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

Entered: April 24, 2009

Patricia L. Morgan  
Deputy Clerk of the Court