

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

1017

CA 09-00343

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

SANDRA A. AUSTIN AND NICKOLAS AUSTIN,
PLAINTIFFS-RESPONDENTS,

V

ORDER

TRI-COUNTY MEMORIAL HOSPITAL, DOING BUSINESS
AS TRI-COUNTY CHEMICAL DEPENDENCY PROGRAM,
ET AL., DEFENDANTS,
AND TONI L. JOHN, DEFENDANT-APPELLANT.

DAMON MOREY LLP, BUFFALO (FRANK C. CALLOCCHIA OF COUNSEL), FOR
DEFENDANT-APPELLANT.

ROSENTHAL, SIEGEL & MUENKEL, LLP, BUFFALO (ELLEN M. KREBS OF COUNSEL),
FOR PLAINTIFFS-RESPONDENTS.

Appeal from an order of the Supreme Court, Cattaraugus County
(Michael L. Nenno, A.J.), entered April 22, 2008 in a personal injury
action. The order denied the motion of defendant Toni L. John to
dismiss the complaint against her.

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

Entered: October 2, 2009

Patricia L. Morgan
Clerk of the Court