

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

1398.1

CA 09-01543

PRESENT: MARTOCHE, J.P., SMITH, FAHEY, CARNI, AND PINE, JJ.

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WILLIAM GUSTAFSON, AS ADMINISTRATOR D.B.N.,  
OF THE ESTATE OF BRUCE G. GUSTAFSON, DECEASED,  
PLAINTIFF-RESPONDENT,

V

MEMORANDUM AND ORDER

PAUL C. DIPPERT, D.O., ET AL., DEFENDANTS,  
ANDREW J. STANSBERRY, R.P.A.  
AND JEFFREY P. STEINIG, M.D.,  
DEFENDANTS-APPELLANTS.  
(APPEAL NO. 3.)

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GIBSON, MCASKILL & CROSBY, LLP, BUFFALO (MELISSA L. ZITTEL OF  
COUNSEL), FOR DEFENDANTS-APPELLANTS.

LIPSITZ GREEN SCIME CAMBRIA LLP, BUFFALO (JOHN A. COLLINS OF COUNSEL),  
FOR PLAINTIFF-RESPONDENT.

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Appeal from an order of the Supreme Court, Erie County (Joseph D. Mintz, J.), entered April 14, 2009 in a medical malpractice action. The order settled the record on appeal.

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

Same Memorandum as in *Gustafson v Dippert* ([appeal No. 1] \_\_\_\_ AD3d \_\_\_\_ [Dec. 30, 2009]).

Entered: December 30, 2009

Patricia L. Morgan  
Clerk of the Court