

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

1569

CA 08-02127

PRESENT: CENTRA, J.P., PERADOTTO, GREEN, AND PINE, JJ.

THERESA HALLER, ADMINISTRATRIX OF THE
ESTATE OF JEAN DIEJOIA, DECEASED,
PLAINTIFF-APPELLANT,

V

ORDER

GERALD M. GACIOCH, M.D., CYNTHIA R.
REDDECK, M.D., AND ROCHESTER
CARDIOPULMONARY GROUP, P.C.,
DEFENDANTS-RESPONDENTS.
(APPEAL NO. 1.)

CARL L. FEINSTOCK, ROCHESTER, FOR PLAINTIFF-APPELLANT.

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

Appeal from an order of the Supreme Court, Monroe County (Matthew A. Rosenbaum, J.), entered September 18, 2008 in a medical malpractice action. The order denied plaintiff's motion to set aside the jury verdict in part.

It is hereby ORDERED that said appeal is unanimously dismissed without costs (see *Smith v Catholic Med. Ctr. of Brooklyn & Queens*, 155 AD2d 435; see also CPLR 5501 [a] [1], [2]).

Entered: December 30, 2009

Patricia L. Morgan
Clerk of the Court