

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

1639

CA 08-02035

PRESENT: HURLBUTT, J.P., FAHEY, PERADOTTO, GREEN, AND GORSKI, JJ.

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CHRISTOPHER HALLING, CLAIMANT-APPELLANT,

V

ORDER

THE STATE OF NEW YORK, DEFENDANT-RESPONDENT.

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DOMINIC PELLEGRINO, ROCHESTER, FOR CLAIMANT-APPELLANT.

ANDREW M. CUOMO, ATTORNEY GENERAL, ALBANY (MICHAEL S. BUSKUS OF  
COUNSEL), FOR DEFENDANT-RESPONDENT.

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Appeal from a judgment of the Court of Claims (Jeremiah J. Moriarty, III, J.), entered July 31, 2008. The judgment granted the motion of defendant to dismiss the claim for medical malpractice.

It is hereby ORDERED that the judgment so appealed from is unanimously affirmed without costs for reasons stated in the decision at the Court of Claims.

Entered: December 30, 2009

Patricia L. Morgan  
Clerk of the Court