

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

1025

CA 11-00113

PRESENT: CENTRA, J.P., FAHEY, SCONIERS, GREEN, AND MARTOCHE, JJ.

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TERRY D. HILLIARD, PLAINTIFF-APPELLANT,

V

MEMORANDUM AND ORDER

HIGHLAND HOSPITAL, DEFENDANT-RESPONDENT,  
ET AL., DEFENDANTS.  
(APPEAL NO. 2.)

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ADAIR LAW FIRM, LLP, ROCHESTER (WILLIAM S. ROBY, III, OF COUNSEL), FOR  
PLAINTIFF-APPELLANT.

OSBORN, REED & BURKE, LLP, ROCHESTER (THOMAS C. BURKE OF COUNSEL), FOR  
DEFENDANT-RESPONDENT.

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Appeal from an order of the Supreme Court, Monroe County (Matthew A. Rosenbaum, J.), entered August 6, 2010 in a medical malpractice action. The order denied the motion of plaintiff for, inter alia, leave to renew and reargue.

It is hereby ORDERED that said appeal insofar as it seeks leave to reargue is unanimously dismissed and the appeal is otherwise dismissed without costs as moot.

Same Memorandum as in *Hilliard v Highland Hosp.* ([appeal No. 1] AD3d \_\_\_ [Oct. 7, 2011]).

Entered: October 7, 2011

Patricia L. Morgan  
Clerk of the Court