

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

236

**CA 11-01892**

PRESENT: SCUDDER, P.J., SMITH, FAHEY, CARNI, AND SCONIERS, JJ.

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JAMES K. HEIDT, GUARDIAN AD LITEM OF SETH  
KELLY, AN INFANT UNDER THE AGE OF 10 YEARS,  
PLAINTIFF-RESPONDENT,

V

ORDER

ROME MEMORIAL HOSPITAL, GARY C. TART, M.D.,  
PEDIATRIC & ADOLESCENT MEDICAL ASSOCIATES, P.C.,  
STEPHEN REICHARD, D.O., ROME RADIOLOGICAL  
ASSOCIATES, P.C., CROUSE-IRVING MEMORIAL  
HOSPITAL, ALLAN S. CUNNINGHAM, M.D., NETHI  
LORLERTRATNA, M.D., KRISTEN M. CHRISTIAN, M.D.,  
H. SHIN, M.D., LOUISE A. PRINCE, M.D., THERESA  
AMIGO, M.D., MADISON COUNTY MEDICAL CARE, DOING  
BUSINESS AS CAMDEN MEDICAL CARE, RONALD EDWARD  
FEMIA, M.D., DEFENDANTS-APPELLANTS,  
ET AL., DEFENDANT.

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BURKE, SCOLAMIERO, MORTATI & HURD, LLP, ALBANY (JEFFREY HURD OF  
COUNSEL), FOR DEFENDANT-APPELLANT ROME MEMORIAL HOSPITAL.

SMITH, SOVIK, KENDRICK & SUGNET, P.C., SYRACUSE (LAURENCE F. SOVIK OF  
COUNSEL), FOR DEFENDANTS-APPELLANTS GARY C. TART, M.D. AND PEDIATRIC &  
ADOLESCENT MEDICAL ASSOCIATES, P.C.

LEVENE, GOULDIN & THOMPSON, LLP, BINGHAMTON (JOHN J. POLLACK OF  
COUNSEL), FOR DEFENDANTS-APPELLANTS STEPHEN REICHARD, D.O., RONALD  
EDWARD FEMIA, M.D., AND ROME RADIOLOGICAL ASSOCIATES, P.C.

MACKENZIE HUGHES, LLP, SYRACUSE (STEPHEN T. HELMER OF COUNSEL), FOR  
DEFENDANTS-APPELLANTS CROUSE-IRVING MEMORIAL HOSPITAL, NETHI  
LORLERTRATNA, M.D., KRISTEN M. CHRISTIAN, M.D., AND H. SHIN, M.D.

SUGARMAN LAW FIRM, LLP, SYRACUSE (JOSHUA M. GILLETTE OF COUNSEL), FOR  
DEFENDANT-APPELLANT ALLAN S. CUNNINGHAM, M.D.

GALE GALE & HUNT, LLC, SYRACUSE (MAX D. GALE OF COUNSEL), FOR  
DEFENDANT-APPELLANT LOUISE A. PRINCE, M.D.

ASWAD & INGRAHAM, BINGHAMTON (JAMES F. MORAN OF COUNSEL), FOR  
DEFENDANTS-APPELLANTS THERESA AMIGO, M.D. AND MADISON COUNTY MEDICAL  
CARE, DOING BUSINESS AS CAMDEN MEDICAL CARE.

BOTTAR LEONE, PLLC, SYRACUSE (MICHAEL A. BOTTAR OF COUNSEL), FOR  
PLAINTIFF-RESPONDENT.

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Appeals from an order of the Supreme Court, Onondaga County  
(James P. Murphy, J.), entered May 2, 2011. The order, inter alia,  
denied the motions of defendants to dismiss the complaint for failure  
to prosecute.

Now, upon the stipulation of discontinuance signed by the  
attorneys for the parties, and filed in the Onondaga County Clerk's  
Office on June 8, 2012,

It is hereby ORDERED that said appeals are unanimously dismissed  
without costs upon stipulation.

Entered: August 17, 2012

Frances E. Cafarell  
Clerk of the Court