

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

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CA 18-01786

PRESENT: WHALEN, P.J., PERADOTTO, LINDLEY, AND DEJOSEPH, JJ.

DONNA M. BUBAR, INDIVIDUALLY, AND AS EXECUTRIX
OF THE ESTATE OF RAYMOND BUBAR, DECEASED,
PLAINTIFF-RESPONDENT,

V

MEMORANDUM AND ORDER

RICHARD BRODMAN, M.D., ET AL., DEFENDANTS,
MICHAEL CELLINO, M.D., AND BUFFALO MEDICAL
GROUP, P.C., DEFENDANTS-APPELLANTS.
(APPEAL NO. 2.)

CONNORS LLP, BUFFALO (MICHAEL J. ROACH OF COUNSEL), FOR
DEFENDANTS-APPELLANTS.

RICHARD P. VALENTINE, ESQ., P.C., BUFFALO (RICHARD P. VALENTINE OF
COUNSEL), FOR PLAINTIFF-RESPONDENT.

Appeal from an order of the Supreme Court, Erie County (Frederick J. Marshall, J.), entered July 17, 2018. The order, among other things, denied that part of the motion of, among others, defendants Michael Cellino, M.D. and Buffalo Medical Group, P.C. seeking summary judgment dismissing the complaint against those defendants.

It is hereby ORDERED that the order so appealed from is unanimously modified on the law by granting those parts of the motion of defendants Michael Cellino, M.D. and Buffalo Medical Group, P.C. seeking summary judgment dismissing the complaint against them except insofar as the complaint, as amplified by the bill of particulars, alleges that Cellino mismanaged decedent's anticoagulation therapy regime, and as modified the order is affirmed without costs.

Same memorandum as in *Bubar v Brodman* ([appeal No. 1] - AD3d - [Nov. 15, 2019] [4th Dept 2019]).

Entered: November 15, 2019

Mark W. Bennett
Clerk of the Court