

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

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CA 18-01787

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., BUFFALO CARDIOTHORACIC
SURGICAL, PLLC, DEFENDANTS-APPELLANTS,
ET AL., DEFENDANTS.
(APPEAL NO. 3.)

THE TARANTINO LAW FIRM, LLP, BUFFALO (ANN M. CAMPBELL 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, insofar as appealed from, denied in part the motion of defendants Richard Brodman, M.D. and Buffalo Cardiothoracic Surgical, PLLC for summary judgment.

It is hereby ORDERED that the order insofar as appealed from is unanimously reversed on the law without costs, the motion of defendants Richard Brodman, M.D. and Buffalo Cardiothoracic Surgical, PLLC is granted in its entirety and the complaint is dismissed against those defendants.

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