

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

197

**CA 14-00716**

PRESENT: PERADOTTO, J.P., CARNI, SCONIERS, AND WHALEN, JJ.

---

GLADYS LAVERDI AND FRANCIS M. LAVERDI,  
PLAINTIFFS-APPELLANTS,

V

ORDER

ARONA S. BAKER AND PATRICK L. EMMERLING,  
EXECUTOR OF THE ESTATE OF BERNICE E. BAKER,  
DECEASED, DEFENDANTS-RESPONDENTS.

---

LAW OFFICES OF WAYNE C. FELLE, P.C., WILLIAMSVILLE (ELIZABETH A. BRUCE  
OF COUNSEL), FOR PLAINTIFFS-APPELLANTS.

BURGIO, KITA, CURVIN & BANKER, BUFFALO (STEVEN P. CURVIN OF COUNSEL),  
FOR DEFENDANTS-RESPONDENTS.

---

Appeal from an order of the Supreme Court, Erie County (John F. O'Donnell, J.), entered November 13, 2013 in a personal injury action. The order granted the motion of defendants for an open commission and letters rogatory for the deposition of Kathryn R. Wilkins, M.D., a nonparty witness.

It is hereby ORDERED that the order so appealed from is unanimously affirmed without costs.

Entered: March 20, 2015

Frances E. Cafarell  
Clerk of the Court