

Supreme Court of the State of New York
Appellate Division: Second Judicial Department

D20803
G/kmg

_____AD3d_____

Submitted - June 20, 2008

STEVEN W. FISHER, J.P.
JOSEPH COVELLO
DANIEL D. ANGIOLILLO
RUTH C. BALKIN, JJ.

2007-07817

DECISION & ORDER

Tessa Lang, et al., respondents, v Wycoff Heights
Medical Center, et al., defendants, Sushama
Karmarkar, appellant.

(Index No. 2413/07)

Heidell, Pittoni, Murphy & Bach, LLP, New York, N.Y. (Gail Savetamal of counsel),
for appellant.

In an action, inter alia, to recover damages for medical malpractice, etc., the defendant Sushama Karmarkar appeals from an order of the Supreme Court, Queens County (Cullen, J.), entered July 11, 2007, which denied her motion pursuant to CPLR 3211(a)(8) to dismiss the complaint insofar as asserted against her for lack of personal jurisdiction, with leave to renew upon the completion of discovery.

ORDERED that the order is reversed, on the law, with costs, and the appellant's motion pursuant to CPLR 3211(a)(8) to dismiss the complaint insofar as asserted against her for lack of personal jurisdiction is granted.

Where a defendant moves to dismiss the complaint pursuant to CPLR 3211(a)(8) on the ground of lack of personal jurisdiction, a plaintiff "need only make a prima facie showing" that such jurisdiction exists (*Cornely v Dynamic HVAC Supply, LLC*, 44 AD3d 986, 986; *see Alden Personnel, Inc. v David*, 38 AD3d 697, 698; *Opticare Acquisition Corp. v Castillo*, 25 AD3d 238, 243; *see also Ingraham v Carroll*, 90 NY2d 592, 597-599). Here, the plaintiffs, who contended that the Supreme Court could exercise long-arm jurisdiction over the appellant pursuant to CPLR 302(a)(3), failed to make such a showing (*see O'Brien v Hackensack Univ. Med. Ctr.*, 305 AD2d

October 21, 2008

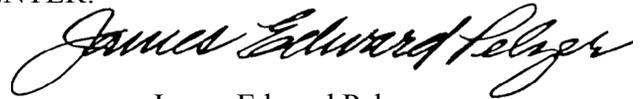
Page 1.

LANG v WYCOFF HEIGHTS MEDICAL CENTER

199, 201-202; *Carte v Parkoff*, 152 AD2d 615, 616; *Hermann v Sharon Hosp.*, 135 AD2d 682, 683). Furthermore, the plaintiffs failed to establish that further discovery was warranted with respect to that issue (*see* CPLR 3211[d]; *Roldan v Dexter Folder Co.*, 178 AD2d 589, 590). Under these circumstances, the Supreme Court should have granted the appellant's motion.

FISHER, J.P., COVELLO, ANGIOLILLO and BALKIN, JJ., concur.

ENTER:

A handwritten signature in cursive script that reads "James Edward Pelzer".

James Edward Pelzer
Clerk of the Court