

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

D22463
G/kmg

_____AD3d_____

Argued - February 6, 2009

REINALDO E. RIVERA, J.P.
ANITA R. FLORIO
THOMAS A. DICKERSON
CHERYL E. CHAMBERS, JJ.

2008-00848

DECISION & ORDER

Frances Abea Moore, etc., appellant, v
St. Luke's Roosevelt Hospital Center, et al.,
respondents, et al., defendant.

(Index No. 10061/03)

Pegalis & Erikson, LLC, Lake Success, N.Y. (Robert V. Fallarino and Linda M. Oliva of counsel), for appellant.

Wilson, Elser, Moskowitz, Edelman & Dicker, LLP, White Plains, N.Y. (Garrett P. Lewis and John P. O'Sullivan of counsel), for respondent St. Luke's Roosevelt Hospital Center.

Bower & Lawrence, P.C., New York, N.Y. (Sari Havia of counsel), for respondent Dan Lazarescu, and McMahon Martine & Gallagher, Brooklyn, N.Y., for respondent New York Medical Group, P.C. (one brief filed).

In an action to recover damages for medical malpractice, the plaintiff appeals from an order of the Supreme Court, Kings County (Rosenberg, J.), dated November 28, 2007, which granted the separate motions of the defendants St. Luke's Roosevelt Hospital Center, Dan Lazarescu, and New York Medical Group, P.C., for summary judgment dismissing the complaint insofar as asserted against each of them.

ORDERED that the order is affirmed, with one bill of costs to the respondents appearing separately and filing separate briefs.

March 17, 2009

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In response to the respondents' respective showings of their entitlement to judgment as a matter of law dismissing the complaint insofar as asserted against each of them, the plaintiff failed to show the existence of a triable issue of fact as to any of the respondents. Accordingly, the Supreme Court properly granted the respondents' separate motions for summary judgment dismissing the complaint insofar as asserted against each of them (*see generally Alvarez v Prospect Hosp.*, 68 NY2d 320, 324-325).

RIVERA, J.P., FLORIO, DICKERSON and CHAMBERS, JJ., concur.

ENTER:

A handwritten signature in black ink, reading "James Edward Pelzer". The signature is written in a cursive, flowing style.

James Edward Pelzer
Clerk of the Court