

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

D23561
C/kmg

_____AD3d_____

Submitted - May 15, 2009

WILLIAM F. MASTRO, J.P.
ANITA R. FLORIO
RANDALL T. ENG
JOHN M. LEVENTHAL, JJ.

2008-10870

DECISION & ORDER

John T. Mather Memorial Hospital of
Port Jefferson, Inc., respondent, v
Girard Curry, appellant.

(Index No. 7505/06)

Kujawski & Dellicarpini, Deer Park, N.Y. (Christopher J. Dellicarpini of counsel), for
appellant.

Rubin & Rothman, LLC, Islandia, N.Y. (Kathryn N. Andreolli of counsel), for
respondent.

In an action to recover payment for medical services rendered to the defendant, the
defendant appeals, as limited by his brief, from so much of an order of the Supreme Court, Suffolk
County (Weber, J.), entered November 5, 2008, as denied that branch of his cross motion which was
to dismiss the complaint as time-barred.

ORDERED that the order is affirmed insofar as appealed from, with costs.

Contrary to the defendant's contention, the Supreme Court did not err in denying that
branch of his cross motion which was to dismiss the complaint as time-barred (*see Tebo v Robinson*,
100 NY 27, 29; *Rutigliano v Board of Educ. of City of N.Y.*, 176 AD2d 866; *Amsterdam Wrecking
& Salvage Co. v Greater Amsterdam School Dist.*, 83 AD2d 654, *affd* 56 NY2d 828; *Lorenzo v
Bussin*, 7 AD2d 731, *affd* 7 NY2d 1039).

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The defendant's remaining contention is without merit.

MASTRO, J.P., FLORIO, ENG and LEVENTHAL, JJ., concur.

ENTER:

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

James Edward Pelzer
Clerk of the Court