

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

D28236
Y/ct

_____AD3d_____

Argued - June 18, 2010

JOSEPH COVELLO, J.P.
DANIEL D. ANGIOLILLO
RANDALL T. ENG
JOHN M. LEVENTHAL, JJ.

2009-11497

DECISION & ORDER

Marie Georges, respondent, v Dr. Claude Michel
Memorial Medical Center, et al., defendants,
Steven Inker, appellant.

(Index No. 6199/06)

Vaslas Lepowsky Hauss & Danke, LLP, Staten Island, N.Y. (Neil F. Schreffler of counsel), for appellant.

Monaco & Monaco, LLP, Brooklyn, N.Y. (Frank A. Delle Donne of counsel), for respondent.

In an action, inter alia, to recover damages for medical malpractice, the defendant Steven Inker appeals, as limited by his brief, from so much of an order of the Supreme Court, Kings County (Dabiri, J.), dated October 23, 2009, as denied, without prejudice, that branch of his motion which was for summary judgment dismissing the complaint insofar as asserted against him and, in effect, denied that branch of his motion which was to dismiss the complaint insofar as asserted against him on the ground of spoliation of evidence.

ORDERED that the appeal is dismissed as academic, without costs or disbursements, in light of our determination of a related appeal (*see Georges v Dr. Claude Michel Mem. Med. Ctr.*, _____ AD3d _____ [Appellate Division Docket No. 2009-02834; decided herewith]).

COVELLO, J.P., ANGIOLILLO, ENG and LEVENTHAL, JJ., concur.

ENTER:


Matthew G. Kiernan
Clerk of the Court

September 14, 2010

GEORGES v DR. CLAUDE MICHEL MEMORIAL MEDICAL CENTER