

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

D28784  
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Submitted - September 23, 2010

A. GAIL PRUDENTI, P.J.  
DANIEL D. ANGIOLILLO  
ARIEL E. BELEN  
SANDRA L. SGROI, JJ.

2009-05155

DECISION & ORDER

Shimon Silberstein, etc., et al., appellants, v  
Maimonides Medical Center, et al., respondents.

(Index No. 12042/08)

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Jaroslawicz & Jaros, LLC, New York, N.Y. (Robert J. Tolchin and Eileen Kaplan of counsel), for appellants.

McAloon & Friedman, P.C., New York, N.Y. (Laura R. Shapiro and Timothy J. O'Shaughnessy of counsel), for respondents Maimonides Medical Center, Michael Tosi, and Matthew Tito.

Callan, Koster, Brady & Brennan LLP, New York, N.Y. (Michael P. Kandler of counsel), for respondents Rivka Stein, Kindercare Pediatrics, LLP, Jeffrey Marc Dick, and Jay R. Begun.

In an action, inter alia, to recover damages for medical malpractice, etc., the plaintiffs appeal, as limited by their brief, from so much of an order of the Supreme Court, Kings County (Steinhardt, J.), dated March 6, 2009, as denied those branches of their motion which were to vacate so much of a preliminary conference order of the same court dated September 23, 2008, as directed them to disclose the identity of the mohel who performed the bris milah, or circumcision, on the infant plaintiff and for a protective order regarding the identity of the mohel, and granted those branches of the defendants' respective cross motions which were to compel disclosure of the identity of the mohel.

October 26, 2010

Page 1.

SILBERSTEIN v MAIMONIDES MEDICAL CENTER

ORDERED that the order dated March 6, 2009, is affirmed insofar as appealed from, with one bill of costs to the respondents appearing separately and filing separate briefs.

The supervision of disclosure and the setting of reasonable terms and conditions therefor are matters resting within the Supreme Court's discretion and, absent an improvident exercise of that discretion, the determination of the Supreme Court will not be disturbed on appeal (see *Matter of U. S. Pioneer Elecs. Corp. [Nikko Elec. Corp. of Am.]*, 47 NY2d 914, 916; *Rinaldi v Evenflo Co., Inc.*, 62 AD3d 856; *Gillen v Utica First Ins. Co.*, 41 AD3d 647). Here, the Supreme Court providently exercised its discretion in directing the plaintiffs to disclose the identity of the mohel who performed the circumcision on the infant plaintiff, as the identity of the mohel was material and necessary to the defense of the action (see CPLR 3101[a]).

PRUDENTI, P.J., ANGIOLILLO, BELEN and SGROI, JJ., concur.

ENTER:

A handwritten signature in black ink that reads "Matthew G. Kiernan". The signature is written in a cursive, slightly slanted style.

Matthew G. Kiernan  
Clerk of the Court