

**SUPREME COURT OF THE STATE OF NEW YORK**  
*Appellate Division, Fourth Judicial Department*

**506**

**CA 08-01952**

PRESENT: SMITH, J.P., FAHEY, PERADOTTO, CARNI, AND GORSKI, JJ.

---

ERIN R. VANPELT AND STEPHEN J. VANPELT,  
INDIVIDUALLY AND AS ADMINISTRATORS OF THE  
ESTATE OF GIANNA ROSE VANPELT, DECEASED,  
PLAINTIFFS-RESPONDENTS,

V

ORDER

MARC A. FEINER, M.D., INDIVIDUALLY AND AS  
AN AGENT, OFFICER, AND/OR EMPLOYEE OF  
MEDICAL ARTS OB-GYN, P.C., MAPATUNAGE A.  
SIRIWARDENA, M.D., DEFENDANTS-APPELLANTS,  
ET AL., DEFENDANTS.

---

SMITH, SOVIK, KENDRICK & SUGNET, P.C., SYRACUSE (MICHELLE M. WESTERMAN  
OF COUNSEL), FOR DEFENDANT-APPELLANT MARC A. FEINER, M.D.,  
INDIVIDUALLY AND AS AN AGENT, OFFICER, AND/OR EMPLOYEE OF MEDICAL ARTS  
OB-GYN, P.C., AND FOR DEFENDANTS.

PHELAN, PHELAN & DANEK, LLP, ALBANY (TIMOTHY S. BRENNAN OF COUNSEL),  
FOR DEFENDANT-APPELLANT MAPATUNAGE A. SIRIWARDENA, M.D.

BOTTAR & LEONE, PLLC, SYRACUSE (MICHAEL A. BOTTAR OF COUNSEL), FOR  
PLAINTIFFS-RESPONDENTS.

---

Appeals from an order of the Supreme Court, Oneida County (John W. Grow, J.), entered November 27, 2007 in a medical malpractice action. The order denied the motions of defendants Marc A. Feiner, M.D., individually and as an agent, officer, and/or employee of Medical Arts OB-GYN, P.C., and Mapatunage A. Siriwardena, M.D. for partial summary judgment.

Now, upon reading and filing the stipulation to discontinue appeals signed by the attorneys for the parties on June 24 and 26, 2009,

It is hereby ORDERED that said appeals are unanimously dismissed without costs upon stipulation.

Entered: July 10, 2009

Patricia L. Morgan  
Clerk of the Court