

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

1194

CA 16-02035

PRESENT: SMITH, J.P., PERADOTTO, DEJOSEPH, NEMOYER, AND CURRAN, JJ.

KANDIS TIRADO AND DOUGLAS TIRADO,
PLAINTIFFS-RESPONDENTS,

V

MEMORANDUM AND ORDER

SARA H. KORITZ, M.D. AND HAMBURG OB/GYN
GROUP, P.C., DEFENDANTS-APPELLANTS.
(APPEAL NO. 2.)

RICOTTA & VISCO, BUFFALO (KATHERINE V. MARKEL OF COUNSEL), FOR
DEFENDANTS-APPELLANTS.

GERARD A. STRAUSS, NORTH COLLINS, FOR PLAINTIFFS-RESPONDENTS.

Appeal from an order of the Supreme Court, Erie County (Catherine R. Nugent Panepinto, J.), entered June 16, 2016. The order granted plaintiffs' motion seeking leave to reargue with respect to the cause of action for "assault and/or battery" and, upon reargument, vacated that part of a prior order dismissing that cause of action, and reinstated it.

It is hereby ORDERED that the order so appealed from is unanimously affirmed without costs.

Same memorandum as in *Tirado v Koritz* ([appeal No. 1] ___ AD3d ___ [Dec. 22, 2017]).

Entered: December 22, 2017

Mark W. Bennett
Clerk of the Court