

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

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**CA 12-01856**

PRESENT: SCUDDER, P.J., PERADOTTO, LINDLEY, SCONIERS, AND WHALEN, JJ.

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MELISSA NEAL, M.D., PLAINTIFF-APPELLANT,

V

MEMORANDUM AND ORDER

EDWARD A. LEGARRETA, M.D., LEGARRETA EYE CENTER  
AND SALLY LEGARRETA, DEFENDANTS-RESPONDENTS.  
(APPEAL NO. 4.)

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MYERS, QUINN & SCHWARTZ, LLP, WILLIAMSVILLE (JAMES I. MYERS OF  
COUNSEL), FOR PLAINTIFF-APPELLANT.

JAECKLE FLEISCHMANN & MUGEL, LLP, BUFFALO (BRADLEY A. HOPPE OF  
COUNSEL), FOR DEFENDANTS-RESPONDENTS.

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Appeal from an order and judgment (one paper) of the Supreme  
Court, Erie County (John A. Michalek, J.), entered September 18, 2012.  
The order and judgment dismissed the complaint.

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

Same Memorandum as in *Legarreta v Neal* ([appeal No. 2] \_\_\_ AD3d  
\_\_\_ [July 5, 2013]).

Entered: July 5, 2013

Frances E. Cafarell  
Clerk of the Court