

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

**451**

**CA 14-01252**

PRESENT: SCUDDER, P.J., CENTRA, PERADOTTO, VALENTINO, AND WHALEN, JJ.

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JEFFREY NOVAK, PLAINTIFF-APPELLANT,

V

ORDER

FREDERICK D. HICKS, DMD, DEFENDANT-RESPONDENT,  
ET AL., DEFENDANTS.

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HALL AND KARZ, CANANDAIGUA (PETER ROLPH OF COUNSEL), FOR  
PLAINTIFF-APPELLANT.

FELDMAN KIEFFER, LLP, BUFFALO (RACHEL A. EMMINGER OF COUNSEL), FOR  
DEFENDANT-RESPONDENT.

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Appeal from an order of the Supreme Court, Wayne County (John B. Nesbitt, A.J.), entered March 31, 2014. The order, inter alia, granted the motion of defendant Frederick D. Hicks, DMD, for summary judgment dismissing the complaint against him.

It is hereby ORDERED that the order so appealed from is unanimously affirmed without costs for reasons stated in the decision at Supreme Court.

Entered: May 1, 2015

Frances E. Cafarell  
Clerk of the Court