

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

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CA 17-02103

PRESENT: WHALEN, P.J., CENTRA, LINDLEY, CURRAN, AND TROUTMAN, JJ.

DARELYN CLAUSE, AS ADMINISTRATRIX OF THE ESTATE
OF KYLE C. ATKINS, DECEASED, PLAINTIFF-APPELLANT,

V

ORDER

ERIE COUNTY MEDICAL CENTER, ET AL., DEFENDANTS,
WILLIAM J. FLYNN, JR., M.D., AND JAMES K.
FARRY, M.D., DEFENDANTS-RESPONDENTS.

JARROD W. SMITH, ESQ., P.L.L.C., JORDAN (JARROD W. SMITH OF COUNSEL),
FOR PLAINTIFF-APPELLANT.

GIBSON, MCASKILL & CROSBY, LLP, BUFFALO (MICHAEL J. WILLETT OF
COUNSEL), FOR DEFENDANTS-RESPONDENTS.

Appeal from an order of the Supreme Court, Erie County (Donna M. Siwek, J.), entered July 19, 2017. The order denied the motion of plaintiff for an extension of time to perfect service of process on defendants William J. Flynn, Jr., M.D., and James K. Farry, M.D.

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: April 27, 2018

Mark W. Bennett
Clerk of the Court