

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

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CA 18-01280

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

JAMES HATCH AND PATRICIA HATCH,
PLAINTIFFS-APPELLANTS,

V

MEMORANDUM AND ORDER

ST. JOSEPH'S HOSPITAL HEALTH CENTER,
ET AL., DEFENDANTS,
AND ROBERT E. CARLIN, M.D.,
DEFENDANT-RESPONDENT.
(APPEAL NO. 2.)

SIDNEY P. COMINSKY, LLC, SYRACUSE (SIDNEY P. COMINSKY OF COUNSEL), FOR
PLAINTIFFS-APPELLANTS.

SUGARMAN LAW FIRM, LLP, SYRACUSE (JENNA W. KLUCSIK OF COUNSEL), FOR
DEFENDANT-RESPONDENT.

Appeal from an order of the Supreme Court, Onondaga County (James P. Murphy, J.), entered April 26, 2018. The order granted the motion of defendant Robert E. Carlin, M.D., for summary judgment and dismissed the amended complaint against him.

It is hereby ORDERED that the order so appealed from is unanimously modified on the law by denying the motion in part and reinstating the second and seventh causes of action against defendant Robert E. Carlin, M.D., and as modified the order is affirmed without costs.

Same memorandum as in *Hatch v St. Joseph's Hosp. Health Ctr.* ([appeal No. 1] – AD3d – [July 31, 2019] [4th Dept 2019]).

Entered: July 31, 2019

Mark W. Bennett
Clerk of the Court