

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

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CA 19-01524

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

SADIE GARNER, INDIVIDUALLY AND AS EXECUTRIX OF
THE ESTATE OF LUCILLE LOVING, DECEASED,
PLAINTIFF-APPELLANT,

V

MEMORANDUM AND ORDER

ROSA COPLON JEWISH HOME AND INFIRMARY, ROSA
COPLON JEWISH HOME AND INFIRMARY, INC., MENORAH
CAMPUS ADULT HOME, INC., MENORAH CAMPUS, INC.,
MENORAH LICENSED HOME CARE AGENCY, THE HARRY AND
JEANETTE WEINBERG CAMPUS, AND WEINBERG CAMPUS,
DEFENDANTS-RESPONDENTS.
(APPEAL NO. 2.)

BROWN CHIARI LLP, BUFFALO (ANGELO S. GAMBINO OF COUNSEL), FOR
PLAINTIFF-APPELLANT.

ROACH, BROWN, MCCARTHY & GRUBER, P.C., BUFFALO (MEGHANN N. ROEHL OF
COUNSEL), FOR DEFENDANTS-RESPONDENTS.

Appeal from an order of the Supreme Court, Erie County (Frank A. Sedita, III, J.), entered July 30, 2019. The order granted the motion of defendants to dismiss the complaint and dismissed the complaint.

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

Same memorandum as in *Garner v Rosa Coplon Jewish Home and Infirmary* ([appeal No. 1] – AD3d – [Dec. 23, 2020] [4th Dept 2020]).

Entered: December 23, 2020

Mark W. Bennett
Clerk of the Court