

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

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**CA 10-01354**

PRESENT: SMITH, J.P., SCONIERS, GREEN, AND GORSKI, JJ.

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CHARLES L. DAVIS, PLAINTIFF-APPELLANT,

V

ORDER

RUSSELL FIRMAN, M.D., EMERGENCY MEDICINE  
PHYSICIANS OF CORTLAND COUNTY, PLLC,  
CORTLAND MEMORIAL HOSPITAL AND LYNN  
CUNNINGHAM, M.D., DEFENDANTS-RESPONDENTS.

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CHARLES L. DAVIS, PLAINTIFF-APPELLANT PRO SE.

PHELAN, PHELAN & DANEK, LLP, ALBANY (TIMOTHY S. BRENNAN OF COUNSEL),  
FOR DEFENDANTS-RESPONDENTS RUSSELL FIRMAN, M.D. AND EMERGENCY MEDICINE  
PHYSICIANS OF CORTLAND COUNTY, PLLC.

BROWN & TARANTINO, LLC, BUFFALO (NICOLE SCHREIB MAYER OF COUNSEL), FOR  
DEFENDANTS-RESPONDENTS CORTLAND MEMORIAL HOSPITAL AND LYNN CUNNINGHAM,  
M.D.

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Appeal from an order of the Supreme Court, Erie County (John M. Curran, J.), entered January 12, 2010 in a medical malpractice action. The order granted the motions of defendants for summary judgment dismissing the complaint.

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

Entered: February 10, 2011

Patricia L. Morgan  
Clerk of the Court