

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

828

CA 08-01746

PRESENT: SCUDDER, P.J., MARTOCHE, FAHEY, CARNI, AND PINE, JJ.

CARL BARTKOWIAK, PLAINTIFF-APPELLANT,

V

ORDER

MEDTRONIC, INC., MEDTRONIC SOFAMOR
DANEK, INC., MEDTRONIC SOFAMOR DANEK,
USA, INC., SPINAL GRAFT TECHNOLOGIES,
L.L.C., REGENERATION TECHNOLOGIES, INC.,
MERCY HOSPITAL OF BUFFALO, CATHOLIC
HEALTH SYSTEM, INC., DEFENDANTS-RESPONDENTS,
ET AL., DEFENDANT.

VINAL & VINAL, BUFFALO (JEANNE M. VINAL OF COUNSEL), FOR
PLAINTIFF-APPELLANT.

QUIRK AND BAKALOR, P.C., NEW YORK CITY (RICHARD BAKALOR OF COUNSEL),
PEPPER HAMILTON LLP, PHILADELPHIA, PENNSYLVANIA, FOR
DEFENDANTS-RESPONDENTS MEDTRONIC, INC., MEDTRONIC SOFAMOR DANEK, INC.,
MEDTRONIC SOFAMOR DANEK, USA, INC., AND SPINAL GRAFT TECHNOLOGIES,
L.L.C.

WILSON ELSER MOSKOWITZ EDELMAN & DICKER LLP, WHITE PLAINS (JOSEPH A.
D'AVANZO OF COUNSEL), FOR DEFENDANT-RESPONDENT REGENERATION
TECHNOLOGIES, INC.

DAMON & MOREY LLP, BUFFALO (AMY ARCHER FLAHERTY OF COUNSEL), FOR
DEFENDANTS-RESPONDENTS MERCY HOSPITAL OF BUFFALO AND CATHOLIC HEALTH
SYSTEM, INC.

Appeal from an order of the Supreme Court, Erie County (Frank A. Sedita, Jr., J.), entered December 17, 2007 in an action for, inter alia, strict products liability. The order, among other things, granted the motions of defendants Medtronic, Inc., Medtronic Sofamor Danek, Inc., Medtronic Sofamor Danek, USA, Inc., Regeneration Technologies, Inc., Mercy Hospital of Buffalo, and Catholic Health System, Inc. to dismiss the complaint against them.

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

Entered: July 2, 2009

Patricia L. Morgan
Clerk of the Court