

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

1398

CA 08-02596

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

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WILLIAM GUSTAFSON, AS ADMINISTRATOR D.B.N.,  
OF THE ESTATE OF BRUCE G. GUSTAFSON, DECEASED,  
PLAINTIFF-RESPONDENT,

V

MEMORANDUM AND ORDER

PAUL C. DIPPERT, D.O., ET AL., DEFENDANTS,  
ANDREW J. STANSBERRY, R.P.A.  
AND JEFFREY P. STEINIG, M.D.,  
DEFENDANTS-APPELLANTS.  
(APPEAL NO. 2.)

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GIBSON, MCASKILL & CROSBY, LLP, BUFFALO (MELISSA L. ZITTEL OF  
COUNSEL), FOR DEFENDANTS-APPELLANTS.

LIPSITZ GREEN SCIME CAMBRIA LLP, BUFFALO (JOHN A. COLLINS OF COUNSEL),  
FOR PLAINTIFF-RESPONDENT.

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Appeal from an order of the Supreme Court, Erie County (Joseph D. Mintz, J.), entered November 20, 2008 in a medical malpractice action. The order directed the oral examination before trial of defendants Andrew J. Stansberry, R.P.A. and Jeffrey D. Steinig, M.D.

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

Same Memorandum as in *Gustafson v Dippert* ([appeal No. 1] \_\_\_\_ AD3d \_\_\_\_ [Dec. 30, 2009]).

Entered: December 30, 2009

Patricia L. Morgan  
Clerk of the Court