

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

1240

CA 10-00585

PRESENT: SMITH, J.P., LINDLEY, SCONIERS, PINE, AND GORSKI, JJ.

RICHARD WINIARSKI AND CATHLEEN WINIARSKI,
PLAINTIFFS-RESPONDENTS,

V

ORDER

LINDA HARRIS, M.D., UNIVERSITY AT BUFFALO
SURGEONS, INC., DEFENDANTS-APPELLANTS,
ET AL., DEFENDANTS.
(APPEAL NO. 3.)

BROWN & TARANTINO, LLC, BUFFALO (ANN M. CAMPBELL OF COUNSEL), FOR
DEFENDANTS-APPELLANTS.

STAMM, REYNOLDS & STAMM, WILLIAMSVILLE (GREGORY STAMM OF COUNSEL), FOR
PLAINTIFFS-RESPONDENTS.

Appeal from an order of the Supreme Court, Erie County (Frank A. Sedita, Jr., J.), entered June 3, 2009 in a medical malpractice action. The order denied the motion of defendants Linda Harris, M.D. and University at Buffalo Surgeons, Inc. to set aside a jury verdict and granted the motion of plaintiffs to increase the award of damages for pain and suffering.

It is hereby ORDERED that said appeal is unanimously dismissed without costs (*see Smith v Catholic Med. Ctr. of Brooklyn & Queens*, 155 AD2d 435; *see also CPLR 5501 [a] [2]*).

Entered: November 12, 2010

Patricia L. Morgan
Clerk of the Court