

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

**493**

**CA 10-01212**

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

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DONALD J. SHARKEY, PLAINTIFF-APPELLANT,

V

MEMORANDUM AND ORDER

JOSEPH LIN-YUN CHOW, M.D., CELESTINE J.  
SZULEWSKI, P.A., SPRINGVILLE PEDIATRICS AND  
ADULT CARE, DEFENDANTS-RESPONDENTS,  
ET AL., DEFENDANT.  
(APPEAL NO. 3.)

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LAW OFFICES OF LINDA J. MARSH AND ARTHUR J. ZILLER, BUFFALO (ARTHUR  
ZILLER OF COUNSEL), FOR PLAINTIFF-APPELLANT.

CARTER, CONBOY, CASE, BLACKMORE, MALONEY & LAIRD, P.C., ALBANY (ADAM  
H. COOPER OF COUNSEL), FOR DEFENDANTS-RESPONDENTS.

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Appeal from a judgment of the Supreme Court, Erie County  
(Christopher J. Burns, J.), entered April 30, 2010 in a medical  
malpractice action. The judgment dismissed the complaint against  
defendants Joseph Lin-Yun Chow, M.D., Celestine J. Szulewski, P.A. and  
Springville Pediatrics and Adult Care.

It is hereby ORDERED that said appeal is unanimously dismissed  
without costs.

Same Memorandum as in *Sharkey v Chow* ([appeal No. 2] \_\_\_ AD3d \_\_\_  
[May 6, 2011]).

Entered: May 6, 2011

Patricia L. Morgan  
Clerk of the Court