

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

544

CA 12-02138

PRESENT: SCUDDER, P.J., PERADOTTO, SCONIERS, VALENTINO, AND MARTOCHE, JJ.

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STEVEN A. RICH, M.D., PLAINTIFF-RESPONDENT,

V

MEMORANDUM AND ORDER

RONALD R. BENJAMIN, DEFENDANT-APPELLANT.  
(APPEAL NO. 2.)

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LAW OFFICE OF RONALD R. BENJAMIN, BINGHAMTON (MARYA C. YOUNG OF COUNSEL),  
FOR DEFENDANT-APPELLANT.

FARACI LANGE, LLP, ROCHESTER (STEPHEN G. SCHWARTZ OF COUNSEL), FOR  
PLAINTIFF-RESPONDENT.

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Appeal from an order of the Supreme Court, Ontario County (Craig J. Doran, A.J.), entered August 31, 2012. The order, inter alia, denied the motion of defendant to compel discovery responses and for a protective order.

It is hereby ORDERED that the order so appealed from is unanimously modified on the law by granting those parts of defendant's motion to compel plaintiff to disclose the documents sought in items 8 and 9 of defendant's demand for production and inspection and as modified the order is affirmed without costs.

Same Memorandum as in *Rich v Benjamin* ([appeal No. 1] \_\_\_ AD3d \_\_\_ [June 14, 2013]).

Entered: June 14, 2013

Frances E. Cafarell  
Clerk of the Court