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This memorandum is uncorrected and subject to revision before
publication in the New York Reports.

No. 242 SSM 46
Musa Callistro, an Infant, by His
Mother and Natural Guardian
Jessica Rivera,
Appellant,
v.
Michael W. Bebbington, M.D., et
al.,
Respondents.

Submitted by John M. Daly, for appellant.
Submitted by Daniel S. Ratner, for respondents.

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On review of submissions pursuant to section 500.11 of the Rules,
order affirmed, with costs, and certified question not answered
on the ground that it is unnecessary. Plaintiff failed to raise
a triable issue of fact concerning whether defendants' alleged
malpractice in failing to perform a caesarean section rather than
a vaginal delivery was the cause of child's alleged cognitive,
receptive, and expressive deficits and developmental disability.
Chief Judge Lippman and Judges Ciparick, Graffeo, Read, Smith and
Pigott concur.

Decided December 11, 2012