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

No. 63 SSM 45
Maryann Imperato, et al.,
 Respondents,
 v.
The Mount Sinai Medical Center,
et al.,
 Appellants.

Submitted by Richard E. Lerner, for appellants.
Submitted by Arnold DiJoseph, III, for respondents.

MEMORANDUM:

The order of the Appellate Division should be affirmed,
with costs. The certified question should be answered by stating
that the preclusion order was properly vacated.

Under the circumstances of this case, the Appellate Division correctly determined that plaintiffs demonstrated the existence of a meritorious claim for purposes of avoiding preclusion. Specifically, the expert witness disclosure submitted by plaintiffs pursuant to CPLR 3101 (d) (1) (i) detailed the expert medical opinion evidence supporting the claim.

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On review of submissions pursuant to section 500.11 of the Rules, order affirmed, with costs, and certified question answered by stating that the preclusion order was properly vacated, in a memorandum. Chief Judge Lippman and Judges Ciparick, Graffeo, Read, Smith, Pigott and Jones concur.

Decided January 12, 2012