

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

**787**

**CA 11-02109**

PRESENT: SCUDDER, P.J., SMITH, FAHEY, LINDLEY, AND MARTOCHE, JJ.

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DEREK PAYNE, PLAINTIFF-RESPONDENT,

V

MEMORANDUM AND ORDER

BUFFALO GENERAL HOSPITAL, STANLEY H. KIM, M.D.,  
VINOD R. PATEL, M.D., HEIDI NARINS SUFFOLETTO,  
M.D., MEI YIM WONG, M.D., DEFENDANTS-APPELLANTS,  
ET AL., DEFENDANT.  
(APPEAL NO. 2.)

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GIBSON, MCASKILL & CROSBY, LLP, BUFFALO (MARK SPITLER OF COUNSEL), FOR  
DEFENDANTS-APPELLANTS BUFFALO GENERAL HOSPITAL, HEIDI NARINS  
SUFFOLETTO, M.D., AND MEI YIM WONG, M.D.

CONNORS & VILARDO, LLP, BUFFALO (MEGHAN M. BROWN OF COUNSEL), FOR  
DEFENDANTS-APPELLANTS STANLEY H. KIM, M.D. AND VINOD R. PATEL, M.D.

VINAL & VINAL, BUFFALO (JEANNE M. VINAL OF COUNSEL), FOR  
PLAINTIFF-RESPONDENT.

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Appeals from an order of the Supreme Court, Erie County (Joseph R. Glownia, J.), entered May 10, 2011 in a medical malpractice action. The order denied the motions of defendants-appellants for summary judgment.

It is hereby ORDERED that the order so appealed from is unanimously affirmed without costs.

Same Memorandum as in *Payne v Buffalo General Hospital* ([appeal No. 1] \_\_ AD3d \_\_ [June 15, 2012]).

Entered: June 15, 2012

Frances E. Cafarell  
Clerk of the Court