

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

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**CA 19-00394**

PRESENT: CENTRA, J.P., PERADOTTO, CARNI, TROUTMAN, AND WINSLOW, JJ.

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KERMIT G. STRADTMAN, JR., INDIVIDUALLY,  
AND AS ADMINISTRATOR OF THE ESTATE OF  
KELLY L. STRADTMAN, DECEASED,  
PLAINTIFF-APPELLANT,

V

MEMORANDUM AND ORDER

MARK CAVARETTA, JOSEPH A. CARUANA,  
SYNERGY BARIATRICS, P.C., AND JOSEPH A.  
CARUANA, M.D., P.C.,  
DEFENDANTS-RESPONDENTS.  
(APPEAL NO. 1.)

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KENNEY SHELTON LIPTAK NOWAK LLP, BUFFALO (AMANDA L. MACHACEK OF  
COUNSEL), FOR PLAINTIFF-APPELLANT.

ROACH, BROWN, MCCARTHY & GRUBER, P.C., BUFFALO (JOHN P. DANIEU OF  
COUNSEL), FOR DEFENDANTS-RESPONDENTS.

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Appeal from an order of the Supreme Court, Erie County (Frederick J. Marshall, J.), entered August 14, 2018. The order granted defendants' motion for summary judgment and dismissed the complaint.

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

Same memorandum as in *Stradtman v Cavaretta* ([appeal No. 2] – AD3d – [Jan. 31, 2020] [4th Dept 2020]).

Entered: January 31, 2020

Mark W. Bennett  
Clerk of the Court