

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

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CA 22-00708

PRESENT: SMITH, J.P., PERADOTTO, BANNISTER, AND OGDEN, JJ.

BETSEY H. EMERSON AND DOUGLAS E. EMERSON,
PLAINTIFFS-APPELLANTS,

V

MEMORANDUM AND ORDER

GRETCHEN KRACKOW, AS ATTORNEY IN FACT FOR
KENNETH A. KRACKOW, M.D., AND UNIVERSITY
ORTHOPAEDIC SERVICES, INC.,
DEFENDANTS-RESPONDENTS.
(APPEAL NO. 2.)

LAW OFFICE OF J. MICHAEL HAYES, BUFFALO (J. MICHAEL HAYES OF COUNSEL),
FOR PLAINTIFFS-APPELLANTS.

EAGAN & HEIMER, PLLC, BUFFALO (JAMES E. EAGAN OF COUNSEL), FOR
DEFENDANTS-RESPONDENTS.

Appeal from an order of the Supreme Court, Erie County (Frederick J. Marshall, J.), entered May 2, 2022. The order granted in part the motion of defendants for summary judgment.

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

Same memorandum as in *Emerson v Kaleida Health* ([appeal No. 1] – AD3d – [June 30, 2023] [4th Dept 2023]).

Entered: June 30, 2023

Ann Dillon Flynn
Clerk of the Court