

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

849

CA 24-00383

PRESENT: WHALEN, P.J., LINDLEY, BANNISTER, NOWAK, AND HANNAH, JJ.

---

MICHAEL SWEENEY, AS ADMINISTRATOR OF THE ESTATE  
OF MARIE SWEENEY, DECEASED, PLAINTIFF-RESPONDENT,

V

MEMORANDUM AND ORDER

NIAGARA LUTHERAN DEVELOPMENT, INC., DOING  
BUSINESS AS GREENFIELD HEALTH & REHABILITATION  
CENTER, ET AL., DEFENDANTS,  
AND PATRICK SIAW, M.D., DEFENDANT-APPELLANT.  
(APPEAL NO. 2.)

---

GIBSON, MCASKILL & CROSBY, LLP, BUFFALO (AMANDA C. ROSSI OF COUNSEL),  
FOR DEFENDANT-APPELLANT.

CAMPBELL AND ASSOCIATES, HAMBURG (DAVID J. WOLFF, JR., OF COUNSEL),  
FOR PLAINTIFF-RESPONDENT.

HURWITZ & FINE, P.C., BUFFALO (V. CHRISTOPHER POTENZA OF COUNSEL), FOR  
DEFENDANTS.

---

Appeal from an order of the Supreme Court, Erie County (Mark J. Grisanti, A.J.), entered February 26, 2024. The order, among other things, granted the motion of plaintiff to amend an order and to settle the record on appeal.

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

Same memorandum as in *Sweeney v Niagara Lutheran Dev., Inc.* ([appeal No. 1] – AD3d – [Mar. 21, 2025] [4th Dept 2025]).

Entered: March 21, 2025

Ann Dillon Flynn  
Clerk of the Court