

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

850

**CA 24-00384**

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

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

V

MEMORANDUM AND ORDER

NIAGARA LUTHERAN DEVELOPMENT, INC., DOING  
BUSINESS AS GREENFIELD HEALTH & REHABILITATION  
CENTER, NIAGARA LUTHERAN HEALTH SYSTEM, INC.,  
DEFENDANTS-RESPONDENTS,  
AND PATRICK SIAW, M.D.,  
DEFENDANT-APPELLANT-RESPONDENT.  
(APPEAL NO. 3.)

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

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

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

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Appeal and cross-appeal from an amended order of the Supreme Court, Erie County (Mark J. Grisanti, A.J.), entered March 1, 2024. The amended order, among other things, denied in part the motion of defendant Patrick Siaw, M.D. for summary judgment dismissing the amended complaint against him, and granted the motion of defendants Niagara Lutheran Development, Inc., doing business as Greenfield Health & Rehabilitation Center, and Niagara Lutheran Health System, Inc., for summary judgment dismissing the amended complaint against them.

It is hereby ORDERED that said appeal and cross-appeal are unanimously dismissed 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