

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

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CA 24-00340

PRESENT: LINDLEY, J.P., CURRAN, OGDEN, DELCONTE, AND KEANE, JJ.

KENNETH HEINRICH, INDIVIDUALLY AND AS
ADMINISTRATOR OF THE ESTATE OF DAVID ALAN
HEINRICH, DECEASED, PLAINTIFF-APPELLANT,

V

MEMORANDUM AND ORDER

KELLEY A. SERENS, N.P., ET AL., DEFENDANTS,
MARIAM ALEXANDER, M.D., AMY PATEL, M.D.,
VIVIAN CHAN, M.D., AND MICHAEL KOSTERS, M.D.,
DEFENDANTS-RESPONDENTS.
(APPEAL NO. 2.)

SIDNEY P. COMINSKY, LLC, JAMESVILLE (SIDNEY P. COMINSKY OF COUNSEL),
FOR PLAINTIFF-APPELLANT.

LETITIA JAMES, ATTORNEY GENERAL, ALBANY (DUSTIN J. BROCKNER OF
COUNSEL), FOR DEFENDANTS-RESPONDENTS.

Appeal from a judgment of the Supreme Court, Onondaga County
(Joseph E. Lamendola, J.), entered February 7, 2024. The judgment
dismissed the amended complaint against defendants Mariam Alexander,
M.D., Amy Patel, M.D., Vivian Chan, M.D., and Michael Kosters, M.D.

It is hereby ORDERED that the judgment so appealed from is
unanimously reversed on the law without costs, the amended complaint
is reinstated against defendants Mariam Alexander, M.D., Amy Patel,
M.D., Vivian Chan, M.D., and Michael Kosters, M.D., and a new trial is
granted.

Same memorandum as in *Heinrich v Serens* ([appeal No. 1] – AD3d –
[July 25, 2025] [4th Dept 2025]).

Entered: July 25, 2025

Ann Dillon Flynn
Clerk of the Court