

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

909

**CA 24-01322**

PRESENT: WHALEN, P.J., CURRAN, MONTOUR, SMITH, AND DELCONTE, JJ.

---

Z.M., AN INFANT, BY HIS MOTHER AND NATURAL  
GUARDIAN DEBORAH M., AND DEBORAH M., INDIVIDUALLY,  
PLAINTIFF-RESPONDENT,

V

ORDER

LEAH KAUFMAN, M.D., ET AL., DEFENDANTS,  
CROUSE HOSPITAL, AIWA ONO, M.D., KHANH-HEIN TRAN,  
M.D., AND XUE CHI, M.D., DEFENDANTS-APPELLANTS.

---

GALE GALE & HUNT, LLC, FAYETTEVILLE (KEVIN T. HUNT OF COUNSEL), FOR  
DEFENDANTS-APPELLANTS.

MERSON LAW, PLLC, NEW YORK CITY (EMILY C. VAUGHT OF COUNSEL),  
HASAPIDIS LAW OFFICES, SOUTH SALEM (ANNETTE G. HASAPIDIS OF COUNSEL),  
FOR PLAINTIFF-RESPONDENT.

---

Appeal from an order of the Supreme Court, Onondaga County  
(Danielle M. Fogel, J.), entered July 22, 2024. The order, among  
other things, denied in part that part of a motion seeking summary  
judgment dismissing the complaint against defendants Crouse Hospital,  
Aiwa Ono, M.D., Khanh-Hein Tran, M.D. and Xue Chi, M.D.

Now, upon reading and filing the stipulation of discontinuance  
signed by the attorneys for the parties on January 30 and February 2,  
2026,

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

Entered: February 11, 2026

Ann Dillon Flynn  
Clerk of the Court