

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

59

CA 25-00075

PRESENT: MONTOUR, J.P., SMITH, GREENWOOD, NOWAK, AND HANNAH, JJ.

WILLIAM N. CAPICOTTO, M.D., AND
WILLIAM CAPICOTTO, M.D., P.C., PLAINTIFFS-APPELLANTS,

V

ORDER

WESTERN NEW YORK MEDICAL MANAGEMENT, LLC,
JOSEPH E. SERGHANY, M.D., CAMERON B. HUCKELL, M.D.,
FRANK MASCARO, M.D., AND ROMANTH WAGHMARAE, M.D.,
DEFENDANTS-RESPONDENTS.
(APPEAL NO. 1.)

SCHRODER, JOSEPH & ASSOCIATES, LLP, BUFFALO (LINDA H. JOSEPH OF
COUNSEL), FOR PLAINTIFFS-APPELLANTS.

HURWITZ FINE P.C., BUFFALO (AMBER E. STORR OF COUNSEL), FOR
DEFENDANT-RESPONDENT WESTERN NEW YORK MEDICAL MANAGEMENT, LLC.

CONNORS LLP, BUFFALO (RANDALL D. WHITE OF COUNSEL), FOR
DEFENDANTS-RESPONDENTS JOSEPH E. SERGHANY, M.D., CAMERON B. HUCKELL,
M.D., FRANK MASCARO, M.D., AND ROMANTH WAGHMARAE, M.D..

Appeal from a decision of the Supreme Court, Erie County (Emilio Colaiacovo, J.), dated December 5, 2024. The decision, among other things, denied plaintiffs' cross-motion for leave to file a second amended complaint.

It is hereby ORDERED that said appeal is unanimously dismissed without costs (*see Kuhn v Kuhn*, 129 AD2d 967, 967 [4th Dept 1987]).

Entered: March 20, 2026

Ann Dillon Flynn
Clerk of the Court