

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

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CA 20-00489

PRESENT: SMITH, J.P., LINDLEY, TROUTMAN, AND WINSLOW, JJ.

DOUGLAS A. CORNELIUS, INDIVIDUALLY AND AS
ADMINISTRATOR OF THE ESTATE OF SUSAN
CORNELIUS, DECEASED, PLAINTIFF-APPELLANT,

V

ORDER

GORDON TUSSING, D.O., DEFENDANT-APPELLANT,
AND KALEIDA HEALTH, DOING BUSINESS AS
BUFFALO GENERAL MEDICAL CENTER,
DEFENDANT-RESPONDENT.

HOGAN WILLIG, PLLC, AMHERST (RYAN C. JOHNSEN OF COUNSEL), FOR
PLAINTIFF-APPELLANT.

GIBSON, MCASKILL & CROSBY, LLP, BUFFALO (CRAIG R. WATSON OF COUNSEL),
FOR DEFENDANT-APPELLANT.

ROACH, BROWN, MCCARTHY & GRUBER, P.C., BUFFALO (HEDWIG M. AULETTA OF
COUNSEL), FOR DEFENDANT-RESPONDENT.

Appeals from an order and judgment (one paper) of the Supreme Court, Erie County (Frederick J. Marshall, J.), entered March 4, 2020. The order and judgment granted the motion of defendant Kaleida Health, doing business as Buffalo General Medical Center, for summary judgment and dismissed the complaint and all cross claims against that defendant.

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

Entered: June 11, 2021

Mark W. Bennett
Clerk of the Court