

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

604

CA 22-01303

PRESENT: CURRAN, J.P., MONTOUR, OGDEN, AND DELCONTE, JJ.

ERIE COUNTY MEDICAL CENTER CORPORATION,
PLAINTIFF-RESPONDENT,

V

ORDER

CATHY J. BYSTRAK, DEFENDANT-APPELLANT,
ET AL., DEFENDANTS.

PENBERTHY LAW GROUP LLP, BUFFALO (BRITTANYLEE PENBERTHY OF COUNSEL),
FOR DEFENDANT-APPELLANT.

RUPP PFALZGRAF LLC, BUFFALO (JOHN A. BARGNESI OF COUNSEL), FOR
PLAINTIFF-RESPONDENT.

Appeal from an order of the Supreme Court, Erie County (Lynn W. Keane, J.), entered August 11, 2022. The order, insofar as appealed from, denied the motion of defendant Cathy J. Bystrak for summary judgment dismissing the complaint.

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

Entered: September 29, 2023

Ann Dillon Flynn
Clerk of the Court