

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

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CA 24-00380

PRESENT: CURRAN, J.P., BANNISTER, SMITH, DELCONTE, AND KEANE, JJ.

CHANTEL BROOKS, INDIVIDUALLY AND AS ADMINISTRATOR
OF THE ESTATE OF X.H., DECEASED, AND ON BEHALF OF
DARRELL L. HARRIS, PERSONALLY, PLAINTIFF-RESPONDENT,

V

ORDER

MOHAWK VALLEY HEALTH SYSTEM, FAXTON-ST. LUKE'S
HOSPITAL, DAVID MCMURRAY, D.O., WOMEN'S AND
CHILDREN'S HEALTH CENTER/ST. ELIZABETH'S HOSPITAL,
MARK BRISTOL, M.D., BENJAMIN FLINN, M.D.,
PHYU THWE, M.D., DEFENDANTS-APPELLANTS,
ET AL., DEFENDANT.

NAPIERSKI, VANDENBURGH, NAPIERSKI & O'CONNOR, LLP, ALBANY (COURTNEY L.
ALPERT OF COUNSEL), FOR DEFENDANTS-APPELLANTS.

ROBERT F. JULIAN, P.C., UTICA (STEPHANIE A. PALMER OF COUNSEL), FOR
PLAINTIFF-RESPONDENT.

Appeal from an order of the Supreme Court, Oneida County
(Bernadette T. Clark, J.), entered January 26, 2024, in a medical
malpractice action. The order, insofar as appealed from, denied those
parts of the motion of defendants seeking to dismiss the complaint
against defendants-appellants.

It is hereby ORDERED that the order so appealed from is
unanimously affirmed without costs for reasons stated in the decision
at Supreme Court.

Entered: October 3, 2025

Ann Dillon Flynn
Clerk of the Court