

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

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CA 21-00339

PRESENT: SMITH, J.P., CENTRA, PERADOTTO, LINDLEY, AND WINSLOW, JJ.

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LISA ANN HARMEL, INDIVIDUALLY AND AS  
ADMINISTRATRIX OF THE  
ESTATE OF JEAN M. HARMEL, DECEASED,  
PLAINTIFF-RESPONDENT,

V

ORDER

MERCY HOSPITAL OF BUFFALO ORCHARD PARK  
DIVISION, ALSO KNOWN AS MERCY AMBULATORY  
CARE CENTER, ET AL., DEFENDANTS,  
AND ASHOK KAUSHAL, M.D., DEFENDANT-APPELLANT.

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

CAMPBELL & ASSOCIATES, LLP, EDEN, MAGAVERN MAGAVERN GRIMM LLP, BUFFALO  
(EDWARD J. MARKARIAN OF COUNSEL), FOR PLAINTIFF-RESPONDENT.

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Appeal from an order of the Supreme Court, Erie County (Frederick J. Marshall, J.), entered February 9, 2021. The order denied in part the motion of defendant Ashok Kaushal, M.D. for summary judgment.

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: March 11, 2022

Ann Dillon Flynn  
Clerk of the Court