

State of New York Court of Appeals

This memorandum is uncorrected and subject to revision before publication in the New York Reports.

No. 117 SSM 22
Daniel Mancuso, &c.,
Respondent,
v.
Kaleida Health, &c.,
Appellant.

Submitted by Kathleen M. Sweet, for appellant.
Submitted by Michael C. Scinta, for respondent.

* * * * *

On review of submissions pursuant to section 500.11 of the Rules, order affirmed, with costs. In the circumstances of this case, Supreme Court did not err or abuse its discretion by precluding defendant from asserting a CPLR article 16 defense. Chief Judge DiFiore and Judges Rivera, Stein, Fahey, Garcia, Wilson and Feinman concur.

Decided December 17, 2019