

Gerald Kimmelman v Craig Smith

Motion No: 2025-04523

Slip Opinion No: 2025 NY Slip Op 76712(U)

Decided on September 18, 2025

Appellate Division, First Department, Motion Decision

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Judiciary Law § 431.

This motion is uncorrected and is not subject to publication in the
Official Reports.

Supreme Court of the State of New York
Appellate Division, First Judicial Department

Present – Hon. Dianne T. Renwick,
Sallie Manzanet-Daniels
Troy K. Webber
Cynthia S. Kern
Peter H. Moulton,

Presiding Justice,

Justices.

Gerald Kimmelman and Joan Kimmelman,
Plaintiffs-Respondents,

Motion No. 2025-04523

Index No. 805150/19

Case No. 2024-03066

-against-

Craig Smith M.D., The New York And
Presbyterian Hospital, Barry Kaplan M.D.,
Claudiu Julian Daiconu M.D., and Anthony
Sociedade R.N.,
Defendants-Respondents,

Barry Kaplan, M.D.,
Defendant-Appellant,

North Shore University Hospital, et al.,
Defendants.

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about April 18, 2024, and the appeal having been perfected,

Now, upon reading and filing the stipulation of the parties hereto, dated August 21, 2025, and due deliberation having been had thereon,

It is ordered that the appeal is deemed withdrawn in accordance with the aforesaid stipulation.

ENTERED: September 18, 2025



Susanna Molina Rojas
Clerk of the Court