

Capparelli v Danzinger
2017 NY Slip Op 31620(U)
July 28, 2017
Supreme Court, New York County
Docket Number: 805243/12
Judge: Joan A. Madden
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SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK, IAS PART 11

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UMBERTO CAPPARELLI and GINA CAPPARELLI,

INDEX NO. 805243/12

Plaintiffs

-against-

LAURENCE DANZINGER, DMD,
TOOTHSAVERS DENTAL CARE, INC.
d/b/a UNIVERSAL DENTAL SERVICES, TOOTHSAVERS
DENTAL SERVICES, P.C. d/b/a UNIVERSAL DENTAL
SERVICES, SOL S. STOLZENBERG, DMD, JERRY
LYNN, DDS, MITCHELL LYNN, DDS, TATINANA
BERMAN, DDS, "JOHN" RUBINSTEIN, DDS,
'JOHN DOE, DDS' AND "JANE DOE DDS," the names
being fictitious but intended to be any and all dentist that
performed examinations and/or treatment on plaintiff,
Defendants.

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JOAN A. MADDEN, J.:

In this action seeking damages for alleged dental malpractice, defendants Laurence R. Danziger DMD, Lawrence R. Danziger, P.C. s/h/a Toothsavers Dental Care, Inc. d/b/a Universal Dental Service and/or Laurence R. Danziger DMD, P.C. s/h/a Toothsavers Dental Services, Inc. d/b/a Universal Dental Service (together the "Danziger defendants") and Dr. Harrison Rubinstein move for summary judgment dismissing the first cause of action (dental malpractice), the second cause of action (informed consent), and the third cause of action (derivative claim of spouse) against them.¹ Plaintiffs oppose the motion only insofar as it seeks summary judgment dismissing the claims against Dr. Rubinstein.² After the motion was fully briefed, defendant

¹The action has been discontinued against defendant Sol S. Stolzenberg, DMD and d/b/a Toothsavers, pursuant to a stipulation of discontinuance dated May 18, 2016. The claims against Mitchell Lynn have also been discontinued.

²Plaintiffs do not oppose the motion with respect to the Danzinger defendants based on evidence submitted by defendants that when Dr. Danzinger purchased Toothsavers in January 2012, he did not agree to assume the liabilities of the Toothsavers dental practice, and that Dr.

Jerry Lynn, who is *pro se*, submitted an affidavit seeking dismissal of the claims against him and defendant Toothsavvers Dental Services, P.C. , and plaintiffs oppose his request on various grounds, including that it is untimely.

Background

This action, sounding in dental malpractice and lack of informed consent, concerns the treatment of plaintiff Umberto Capparelli (“plaintiff” or “Mr. Capparelli”) by the defendant dentists at Toothsavvers between January 19, 2010 through January 9, 2012. Specifically, plaintiff alleges that defendants committed dental malpractice by failing to address the issues relating to the improper occlusion, or contact between plaintiff’s upper and lower teeth, and temporomandibular joint disorders (“TMJ”), including bruxism, *i.e.*, excessive tooth grinding and jaw clenching. In 2008 and 2009, before he was treated by defendants, plaintiff treated at “Family Dental,” and, in particular, with Michael Gelbart, DDS, who performed numerous restorations on plaintiff’s teeth, including crowns and implants, root canals and extractions.

During his first visit to Toothsavvers, on January 19, 2010, plaintiff saw Dr. Robert Winegarden and defendant Dr. Tatinana Berman; he told Dr. Winegarden of his complaints regarding Dr. Gelbart’s work, and Dr. Winegarden proposed replacing the work done by Dr. Gelbart’s work on the upper and lower dental arches (Plaintiff’s EBT at 59-61). Plaintiff informed Dr. Winegarden and Dr. Berman that he wanted individual crowns, price was discussed and plaintiff agreed to proceed with treatment at Toothsavvers (Id at 63, 65 76-77). The record indicates that on the first visit to Toothsavvers, after plaintiff signed a consent form, Dr. Berman removed plaintiff’s upper crowns and bridges, and plaintiff was given a temporary bridge on his

Danzinger refused to treat plaintiff Umberto Capparelli after he refused to sign a consent form.

upper arch.

On January 23, 2010, plaintiff came to Toothsavvers because the upper temporary provided by Dr. Berman had broken and was treated by Dr. Rubinstein. Dr. Rubinstein repaired the temporary and plaintiff, who was scheduled to return for an appointment with Dr. Berman on January 28, 2010, asked that work on his lower teeth be done that day since he was already at the office, and Dr. Rubinstein agreed. Dr. Rubinstein testified that before treating plaintiff he “skimmed” the treatment plan and the chart; telephoned to Dr. Berman because he could not read her handwriting on the chart, and examined plaintiff (Rubinstein EBT at 32-33). With respect to his treatment of plaintiff, Dr. Rubinstein testified that he removed existing crowns and any decay or cement on the underlying teeth, took impressions and made a metal temporary; however, he testified that he had nothing to do with making the permanent crowns (Id at 58-59, 63). He testified that the lower crowns were being replaced “mainly to fix [plaintiff’s] occlusion (i.e. his uneven bite) and not for aesthetics” (Id at 37). Dr. Rubinstein testified that he also saw plaintiff on March 5, 2010, when he extracted his back right wisdom tooth (tooth #1)(Id at 50-56, 64).

Plaintiff continued treatment with Dr. Berman, who provided him with new dental restorations on both his top and bottom arch. Plaintiff testified that when Dr. Berman had almost finished his treatment, he felt his bottom front teeth were loose and moving and he told Dr. Berman about this development (Id at 93,96). He was told by Dr. Christopher of Mid Hudson Dental, which is another dental practice that plaintiff visited before and after treatment with defendants, that his upper teeth were hitting his bottom teeth causing them to move (Id at 100). According to plaintiff, when he told Dr. Berman that his teeth were moving and she told him “they are moving because they are moving” (Id at 96). He also testified that Dr. Berman and

another dentist at Toothsavers tried to resolve the problems by grinding his teeth down (Id at 97-98). The record indicates that on November 17, 2011, plaintiff was treated by John Choi, DDS, who noted on plaintiff's chart that "occlusion is high in the upper anterior teeth" and recommended "an occlusion adjustment of upper anteriors and adjust crown margins...re-do upper anteriors crown and bridge [and] a night guard."

Plaintiffs commenced this action asserting claim for dental malpractice and lack of informed consent on August 29, 2012. Discovery is now complete, and the note of issue was filed on March 26, 2016.

Following the completion of discovery, Dr. Rubinstein and the Dazinger defendants made this motion for summary judgment and, as indicated above, plaintiffs oppose only that part of the motion made by Dr. Rubinstein. In addition, in their opposition, plaintiffs limited their arguments to those claims against Dr. Rubinstein arising from his treatment of Mr. Capparelli on January 23, 2010. As to that treatment, they allege that Dr. Rubinstein departed from good and accepted dental practice by failing to perform diagnostic tests; failing to inform Mr. Capparelli of the risks of recurring failed dental restorations without first treating plaintiff's TMJ dysfunction; failing to properly recognize, assess and treat plaintiff's TMJ dysfunction before performing extensive dental treatment of placing crowns and bridges in his mouth, and that such departures were a substantial factor in causing plaintiff's injuries.

Discussion

A defendant moving for summary judgment in a dental malpractice action must make a prima facie showing of entitlement to judgment as a matter of law by showing that "in treating the plaintiff there was no departure from good and accepted [dental] practice or that any

departure was not the proximate cause of the injuries alleged.” Roques v. Nobel, 73 AD3d 204, 206 (1st Dept 2010) (citations omitted). To satisfy this burden, a defendant must present expert opinion testimony that is supported by the facts in the record and addresses the essential allegations in the bill of particulars. Id.

If the movant makes a prima facie showing, the burden shifts to the party opposing the motion “to produce evidentiary proof in admissible form sufficient to establish the existence of material issues of fact which require a trial of the action.” Alvarez v. Prospect Hosp., 68 NY2d 320, 324 (1986) (citation omitted). Specifically, in a dental malpractice action, a plaintiff opposing a summary judgment motion must demonstrate that the defendant did in fact commit malpractice and that the malpractice was the proximate cause of the plaintiff’s injuries.... In order to meet the required burden, the plaintiff must submit an affidavit from [an expert in dental care] attesting that the defendant departed from accepted [dental] practice and that the departure was the proximate cause of the injuries alleged. Roques v. Nobel, 73 AD3d at 207 (internal citations omitted); see also Koss v. Bach, 74 AD3d 472, 472 (1st Dept 2010). Where there are conflicting expert opinions, summary judgment should be denied. See Boston v. Weissbart, 62 AD3d 517, 518)1st Dept 2009); Cruz v. St Barnabas Hosp., 50 AD3d382 (1st Dept 2008).

“Lack of informed consent means the failure of the person providing the professional treatment or diagnosis to disclose to the patient such alternatives thereto and the reasonably foreseeable risks and benefits involved as a reasonable ... dental ... practitioner under similar circumstances would have disclosed, in a manner permitting the patient to make a knowledgeable evaluation.” Public Health Law § 2805–d(1), and “that a reasonably prudent person in the patient’s position would not have undergone the treatment or diagnosis if he had been fully

informed and that the lack of informed consent is a proximate cause of the injury or condition for which recovery is sought” (Public Health Law § 2805-d[3]).

A defendant moving for summary judgment on a lack of informed consent claim must demonstrate that a plaintiff was informed of any foreseeable risks, benefits, or alternatives of the treatment rendered. Koi Hou Chan v. Yeung, 66 AD3d 642, 643 (2d Dept 2009); see also, Smith v. Cattani, 2 AD3d 259, 260 (1st Dept 2003)(defendant entitled to summary judgment where “documentary evidence establishes that before each of plaintiff’s seven surgeries, defendant notified him of the reasonably foreseeable risks and benefits of the surgery, as well as alternatives to the proposed treatment”). To rebut a defendant’s prima facie showing that he is entitled to summary judgment on the issue of informed consent, the plaintiff must demonstrate through competent evidence that the defendant doctor failed to fully apprise her of the reasonably foreseeable risks of the procedure, and that a reasonable person in plaintiff’s position, fully informed, would have opted against the procedure. Orphan v. Pilnik, 15 NY3d 907, 908 (2010), citing Public Health Law § 2805-d (1)(3); see also, Eppel v. Fredericks, 203 AD2d 152 (1st Dept.1994). “Expert medical testimony is required to prove the insufficiency of the information disclosed to the plaintiff.” Orphan v. Pilnik, 15 NY3d at 908.

In support of their summary judgment motion, the moving defendants rely on the affidavit of Dr. Peter M. Blauzvern, DDS, a general dentist, who specializes in cosmetic dentistry, including crown and bridge placement. Based on his review of the record, Dr. Blauzvern opines, within a reasonable degree of dental certainty, that Dr. Rubinstein rendered treatment to plaintiff “within accepted standards of dental care and that [he did not] provide[] any treatment that caused injury or damage to plaintiff, nor did [he] refrain, refuse, or fail to

provide any treatment that caused injury or damage to plaintiff.”

Dr. Blauzvern points out that Dr. Rubinstein’s involvement with the plaintiff was limited to two visits (January 23, 2010 and March 6, 2010) during plaintiff’s restorative care, and opines that Dr. Rubinstein’s treatment of the plaintiff on those two visits had no effect on the ultimate outcome of this case, and states that plaintiff did not suffer any damage or injury from the treatment and care rendered to him by Dr. Rubinstein on either visit. He opines that nothing Dr. Rubinstein did or did not do affected the manner in which the plaintiff could be restored, that his role was merely “an early interim step” toward advancing the plaintiff’s new restorative case. With respect to Dr. Rubinstein’s repair of plaintiff’s upper temporary, Dr. Blauzvern states that this was done to permit the plaintiff to have functional and cosmetic restoration. Dr. Blauzvern opines that repairing a temporary is by and large a ministerial event; with respect to the issue of informed consent there are no reasonable risks, benefits or alternatives that a reasonable practitioner would even discuss with a patient in repairing a temporary bridge; and that such a repair lacks alternatives and has the obvious benefit of continued use until a permanent prosthesis could be made.

As to Dr. Rubinstein’s treatment in preparing the lower teeth, Dr. Blauzvern opines that the manner in which plaintiff’s teeth were re-prepped or the impression taken had no bearing on plaintiff’s ultimate outcome. Dr. Blauzvern opines that Dr. Rubinstein’s removal of the lower restorations and the “re prep” of the plaintiff’s lower arch were appropriate because such work was required to replace Dr. Gelbart’s problematic work on the lower arch, and that the plaintiff was properly placed in a provisional lower restoration which he successfully wore through March 19, 2010.

As for the issue of informed consent, with respect to the removal of the lower crowns, the temporizing of those teeth, and the taking of a lower impression, Dr. Blauzvern opines that there is nothing that a reasonable practitioner would need to discuss with a patient who has a clear understanding of what is involved and what to expect, such as the plaintiff. Dr. Blauzvern opines that because the plaintiff had already had the subject teeth prepared and crowned by Dr. Gelbart, and had recently had treatment of the restorations by Dr. Berman, plaintiff had a clear understanding of what was involved and what to expect.

Dr. Blauzvern's affidavit is sufficient to make a prima as to Dr. Rubinstein's entitlement to summary judgment as to claims for dental malpractice and the lack of informed consent. Accordingly, the burden shifts to plaintiffs to submit "evidentiary proof in admissible form sufficient to establish the existence of material issues of fact which require a trial of the action." Alvarez v. Prospect Hosp., 68 NY2d at 323.

In opposition, plaintiffs submit the expert affidavit of James Kouzoukian, DDS, who has been licensed to practice dentistry in the State of New York since 1984. Upon his review of the relevant records, Dr. Kouzoukian opines within a reasonable degree of dental certainty that Dr. Rubinstein (and Dr. Berman and Toothsavers) departed from good and accepted standards of dental practice which substantially caused plaintiff's injuries.³ In particular, Dr. Kouzoukian

³Specifically, he opines that the following injuries were caused by these defendants' departures:

- (1) a failure of dental restorations, resulting in mobility of teeth, loss of natural teeth, and gum inflammation which required extensive periodontal treatment and additional prosthodontic treatment;
- (2) an overhanging of restorations on restored teeth and resultant inflammation;
- (3) residual "clumps" of cementation medium on dental implant retained prosthetic restorations with resultant inflammation evident upon implants in positions 19, 30, and 31;

opines that Dr. Rubinstein failed to properly assess, diagnose, and treat plaintiff's bruxism (*i.e.*, excessive grinding and clenching) and TMJ dysfunction prior to performing any restorative dentistry on the plaintiff. Dr. Kouzoukian points out that every other prior dentist, from 2009 onward noted plaintiff's symptoms related to this condition including an uneven bite, a heavier bite on the left, lateral teeth clashing, shooting pains into area of the left maxillary (*i.e.*, upper jaw bone), which is indicative of a TMJ neuromuscular dysfunction and evidence of bruxism.⁴ Yet, according to Dr. Kouzoukian, Toothsavers records do not state that plaintiff had any of these problems. Instead, the first time these problems are noted in Toothsavers' records is on November 17, 2011, several months after the completion of prosthodontic treatment rendered by Toothsavers, when Toothsavers' periodontist, John Choi, DDS noted plaintiff's bruxism, and "high occlusion," or high contact between plaintiff's teeth.

Dr. Kouzoukian opines that Dr. Rubinstein should have noted plaintiff's TMJ issue on

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- (4) residual "clump" of cementation medium on crown placed upon tooth #29;
 - (5) roughness on the palatal aspect of the upper anterior teeth with overhanging margins;
 - (6) traumatic occlusion, causing difficulty with eating and speaking; clicking and hitting of the teeth when eating and speaking; and an inability to bite into food with anterior teeth;
 - (7) aggravation and exacerbation of pre-existing bruxism, clenching, and TMJ dysfunction with pain and suffering;
 - (8) humiliation and embarrassment due to appearance of teeth and smile;
 - (9) halitosis, or bad breath, caused by gingival inflammation; and
 - (10) anxiety and stress due to the necessity of having to spend over \$60,000.00 in fees for new dental work and the numerous hours necessary in the dental chair.

⁴ In particular, he cites that Frederick Ninnis, DDS noted in his October 13, 2009 report that he was not qualified to perform the occlusal rehabilitation due to the existing traumatic occlusion (*i.e.* contact between teeth) and the teeth clashing in function in lateral excursion. He also relies on the November 16, 2009 report of Stanley Kacherski, DDS, who noted that plaintiff had left side pain, and that he observed malocclusion, poor occlusal contact, fractured porcelain, a fractured implant in position number 18, and evidence of bruxism and grinding.

January 23, 2010, when he first treated plaintiff and repaired the fractured upper temporary, and that the fractured temporary demonstrated a difficulty with the bite because a properly fabricated temporary should not fracture after only four days. Dr. Kouzoukian further opines that Dr. Rubinstein departed from the standard of care in prepping the lower teeth for temporaries when the bruxism, clenching, and TMJ dysfunction which was “clearly evident and unacknowledged in the treatment plan.” Dr. Kouzoukian opines that Dr. Rubinstein should have simply repaired the fractured temporary and not removed the lower bridgework or prepped the lower teeth for temporaries until he determined and treated the TMJ dysfunction issues, and ordered/prescribed an appliance to treat the TMJ dysfunction and prevent further damage to plaintiff’s neuromuscular capabilities and the planned prosthetic restorations. Dr. Kouzoukian opines that Dr. Rubinstein failed to assess whether plaintiff had a day-time or a night-time problem with clenching and grinding; which device would be appropriate; and at what time of day the device should have been worn.

With respect to causation, Dr. Kouzoukian opines that Dr. Rubinstein’s dental treatment of plaintiff on January 23, 2010 materially contributed to the symptoms experienced by plaintiff since that date, and that these symptoms and the resulting detrimental changes in his function, dental health, and appearance will persist until the dental prosthetic inserted by Toothsavers is removed in its entirety and a completely new dental case is fabricated and inserted. In this connection, Dr. Kouzoukian points out the records show that on December 8, 2011, Dr. Choi found that plaintiff’s teeth #s 21, 24, 25, 28 (on her lower jaw) were mobile and notes that teeth #21 and 28 were treated by Dr. Rubinstein on January 23, 2010, and opines that because Dr. Rubinstein failed to perform the necessary treatment of the bruxism, clenching, and TMJ

dysfunction prior to prepping the lower teeth for temporary dental prosthetics, the lower teeth became traumatized and plaintiff's TMJ dysfunction symptoms worsened. In further support of his opinion that Dr. Rubinstein's departures were a substantial factor in causing plaintiff's injuries, Dr. Kouzoukian relies on the report of defendant's examining dentist Dr. Richard Rausch, DDS,⁵ and the report plaintiff's examining dentist, Burney Croll, DDS, which reports set forth various problems with plaintiff's teeth and restorations subsequent to his treatment at Toothsavers.⁶

As a preliminary matter, with respect to the dental malpractice claim against Dr. Rubinstein, the court notes that in providing care to a patient, a doctor's duty is circumscribed by the functions under taken by the doctor and relied on by the patient. Burtman v. Brown, 97 AD3d 156, 161 (1st Dept 2012)(writing that "although physicians owe a general duty of care to their patients, that duty may be limited to those medical functions undertaken by the physician and relied upon by the patient")(internal citation and quotation omitted). Here, while Dr. Berman devised a treatment plan for plaintiff and provided the permanent restorations, as Dr. Rubinstein examined plaintiff and prepared his lower teeth for restorations, he owed a duty to plaintiff with regard to such treatment. In this connection, plaintiff's expert raises a triable issue of fact as to whether Dr. Rubinstein departed from good and accepted dental practice by prepping the lower

⁵ Dr. Kouzoukian notes that defendant's examining dentist, Dr. Rausch enumerates various problems with plaintiff's teeth December 30, 2014, including excess cement; specific problems with individual crowns on the teeth; incompletely seated metal copings on dental implant number 18; incorrect proximity of crowns number 18 and 19 placed too close together preventing proper brushing and flossing; incorrect proximity and anatomy of crowns number 30 and 31 also preventing proper brushing and flossing; evidence of grinding and clenching.

⁶Dr. Kouzoukian points out that Dr. Croll's report dated April 30, 2015, evidences further deterioration of plaintiff's teeth and dental work, residual cement, and lost teeth (#21).

teeth for temporaries before assessing and treating plaintiff for issues related to his TMJ dysfunction which were evident from the medical records, and the circumstance relating to treatment but which Dr. Rubinstein failed to take into account in his treatment of plaintiff. Moreover, with respect to causation, plaintiffs' expert raises issues of fact as to whether Dr. Rubinstein's departures contributed to plaintiff's symptoms and injuries, including detrimental changes in his dental health and facial appearance, including loss of teeth, chronic pain, and worsening of symptoms of TMJ.

As for the claim of lack of informed consent, such claim must be dismissed as plaintiffs' expert does not opine as to the insufficiency of the information provided to plaintiff before Mr. Rubinstein performed the preparation work on plaintiff's lower teeth. Orphan v. Pilnik, 15 NY3d at 908 (holding that "[e]xpert medical testimony is required to prove the insufficiency of the information disclosed to the plaintiff"). Moreover, plaintiff does not state that had been he been informed of the risks he would not have undergone the treatment. Id. (affirming dismissal of claim for lack of informed consent where, inter alia, "the evidence proffered by plaintiff did not establish that a fully informed reasonable person would have declined the procedure"); compare Andersen v. Delaney, 269 AD2d 193, 193 (1st Dept 2000)(holding that "plaintiff's testimony that she would not have consented to the surgery had she been fully informed of the risks involved... is sufficient to raise a question of fact as to whether a reasonably prudent person, fully informed, would have refused the operation").

The final issues on the motion relate to the request by the *pro se* defendant Jerry Lynn for summary judgment dismissing the complaint against him and Toothsavers Dental Services, P.C. ("Toothsavers Dental"). In his affidavit, Lynn states that he never examined or treated plaintiff and that before to plaintiff's treatment at issue in this action, he retired from dentistry and gave

up his license on January 1, 2002. With respect to the sale of Toothsavers Dental, Lynn states that he sold the practice to Sol S. Stolzenberg, D.M.D, P.C in December 2001, and that on January 1, 2012, the practice was purchased by Lawrence R. Danziger d/b/a as Universal Dental.

Plaintiffs oppose Lynn's request for summary judgment, arguing that it is untimely as it was made more than 120 days after the filing of note of issue. With respect the merits of Lynn's request, plaintiffs assert that Lynn has failed to submit evidence that Toothsavers Dental did not render care to plaintiff during the two years plaintiff was treated, or an expert affidavit. Plaintiffs also submit a July 29, 2016 printout from the New York Department of State showing that Toothsavers Dental, is an active corporation and that Dr. Jerry Lynn is listed as its Principal Executive Officer, Register Agent and Chief Executive Officer.

The court will first address the timeliness of Lynn's request for summary judgment. The preliminary conference order in this action required that summary judgment motions be made within 60 days of the filing of note of issue. However, Lynn filed his affidavit seeking summary judgment on July 28, 2016, which is more than 120 days after the note of issue was filed on March 25, 2016, and he provides no explanation or excuse for this untimeliness.⁷ Accordingly, Lynn's request must be denied as untimely. See Waxman v. Hallen Construction Co., Inc., 139 AD3d 597 (1st Dept 2016)(court should have denied untimely summary judgment motion) Kershaw v. Hospital for Special Surgery, 114 AD3d at 82-83. In denying Lynn's motion on

⁷The court notes that the exception afforded to an untimely cross motion seeking nearly identical relief as a timely motion for summary judgment is inapplicable here as Lynn's affidavit cannot be considered a cross motion, and the relief he seeks is not duplicative of that sought in the timely motion by the Danzinger defendants and Dr. Rubinstein. See Kershaw v. Hospital for Special Surgery, 114 AD3d 87-88 (1st Dept 2013) (holding that hospital's untimely motion for summary judgment was properly denied and could not be considered a cross motion); Compare, Alonzo v. Safe Harbors of the Hudson Housing Development Fund Co., Inc., 104 AD3d 446, 449 (1st Dept 2013).

timeliness grounds, the court makes no determination as to its merits.

Conclusion

In view of the above, it is

ORDERED that the motion for summary judgment by the Danzinger defendants is granted is granted without opposition; and it is further

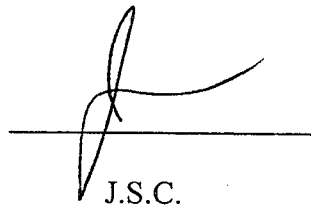
ORDERED that the Clerk is directed to enter judgment dismissing the complaint against these defendants; and it is further

ORDERED that the motion for summary judgment by Dr. "John" Rubinstein is granted to the extent of dismissing the claim against him for lack of informed consent and is otherwise denied; and it is further

ORDERED that the request by Lynn for summary judgment dismissing the complaint against him and Toothsavvers Dental Services, P.C. is denied; and it is further

ORDERED that the remaining parties shall appear for a pretrial conference in Part 11, room 351, 60 Centre, New York, NY on September 7, 2017 at 11:20 am.

Dated: July 28 2017



J.S.C.

HON. JOAN A. MADDEN
J.S.C.