

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

1357

CA 05-01031

PRESENT: KEHOE, J.P., MARTOCHE, PINE, LAWTON, AND HAYES, JJ.

LISA M. BRAUN, IN HER INDIVIDUAL CAPACITY
AND AS EXECUTRIX OF THE ESTATE OF CLARENCE W.
BRAUN, DECEASED, FOR AND ON BEHALF OF LISA M.
BRAUN, JAMES C. BRAUN AND KEITH H.L. BRAUN,
AS DISTRIBUTEES OF DECEDENT, CLARENCE W. BRAUN,
PLAINTIFF-RESPONDENT,

V

ORDER

KALEIDA HEALTH SYSTEMS, DOING BUSINESS AS
MILLARD FILLMORE GATES HOSPITAL, ANN LILLIS,
N.P., DEPARTMENT OF VASCULAR SURGERY
MILLARD FILLMORE GATES HOSPITAL,
DEFENDANTS-APPELLANTS,
NORTHTOWNS ORTHOPEDICS, P.C., PAUL H.
WIERZBIENIEC, M.D., MARK PIERINO, RPA-C,
NEPHROLOGY ASSOCIATES, ALAN KURITZKY, M.D.,
THEODORE HERMAN, M.D., DEFENDANTS-RESPONDENTS,
ET AL., DEFENDANTS.

GIBSON, MC ASKILL & CROSBY, LLP, BUFFALO (KATHLEEN M. SWEET OF
COUNSEL), FOR DEFENDANTS-APPELLANTS.

AGATE & ROSCHE, SNYDER (JOHN T. AGATE OF COUNSEL), FOR
PLAINTIFF-RESPONDENT.

Appeal from an order of the Supreme Court, Erie County (Donna M. Siwek, J.), entered July 22, 2004 in a medical malpractice and wrongful death action. The order, insofar as appealed from, granted an in camera review of certain quality assurance materials of defendant Kaleida Health Systems, doing business as Millard Fillmore Gates Hospital, and directed disclosure of portions of the peer review minutes of a quality assurance meeting that were not statements of a party to the action.

It is hereby ORDERED that the order so appealed from be and the same hereby is unanimously affirmed without costs.

Entered: November 10, 2005

JoANN M. WAHL
Clerk of the Court