

SUPREME COURT OF THE STATE OF NEW YORK — NEW YORK COUNTY

PRESENT: JOAN A. MADDEN PART 11

Justice

RICHARD KLASS, as Executor of the Estate of BERNARD WOLBERG and EVA KLASS-WOLBERG,

Plaintiffs,

- v -

MARK HALTRECHT, D.O., ARSENIO MEDICAL, P.C., YITZHAK TWERSKY, M.D., THE MOUNT SINAI HOSPITAL, EDWARD KIM, M.D., FRANCIS S. NOWAKOWSKI, M.D., DANIEL M. LABOW, M.D., MELISSA PALMER Defendant.

INDEX NO. 155698/14

MOTION DATE 3-5-20

MOTION SEQ. NO. 004

The following papers, numbered 1 to \_\_\_\_\_ were read on this motions for summary judgment

Notice of Motion/ Order to Show Cause — Affidavits — Exhibits ...

Answering Affidavits — Exhibits \_\_\_\_\_

Replying Affidavits \_\_\_\_\_

PAPERS NUMBERED

In motion sequence 004, defendant Yitzhak Twersky, M.D. moves for summary judgment dismissing the complaint and any cross claims against him. There is no opposition to the motion.

Accordingly, it is

ORDERED that the motion for summary judgment by defendant Yitzhak Twersky, M.D. is granted without opposition, and the Clerk of the Court is directed to enter judgment dismissing the complaint and any cross claims against him; and it is further

ORDERED that the caption is amended to remove Yitzhak Twersky, M.D. from the caption; and it is further

ORDERED that as by stipulation of discontinuance dated June 25, 2015, the action has been discontinued against defendant Melissa Palmer, M.D., the caption is amended to remove Melissa Palmer, M.D. from the caption; and it is further

ORDERED that the caption as amended shall read as follows:

RICHARD KLASS, as Executor of the  
Estate of BERNARD WOLBERG and  
EVA KLASS-WOLBERG,

INDEX NO. 155698/14

Plaintiffs,

-against-

MARK HALTRECHT, D.O. ARSENIO  
MEDICAL, P.C., THE MOUNT SINAI  
HOSPITAL, EDWARD KIM, M.D.,  
FRANCIS S. NOWAKOWSKI, M.D.,  
and DANIEL M. LABOW, M.D.,

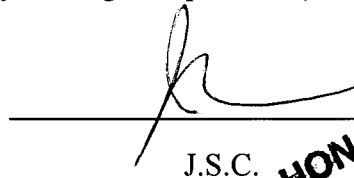
Defendants.

and it is further

ORDERED, that within 15 days of the e-filing of this order, defendant Yitzhak Twersky, M.D. shall serve a copy of this order with notice of entry on the Clerk of the General Clerk's Office (Room 119) and the County Clerk (room 141B), who are directed to mark the court records to reflect the removal of defendants Yitzhak Twersky, M.D. and Melissa Palmer, M.D. from the caption; and it is further

ORDERED that such service upon the General Clerk's Office and the County Clerk shall be made in accordance with the procedures set forth in the Protocol on Courthouse and County Clerk Procedures for Electronically Filed Cases (accessible at the "E-Filing" page and on the court's website at the address ([www.nycourts.gov/supctmanh](http://www.nycourts.gov/supctmanh))).

Dated: March 5, 2020

  
\_\_\_\_\_  
J.S.C.

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

Check One:  FINAL DISPOSITION  NON-FINAL DISPOSITION