

State of New York
Supreme Court, Appellate Division
Third Judicial Department

Decided and Entered: February 27, 2020

527701

ESTATE OF JOYCE SAVAGE et al.,
Respondents-
Appellants,

v

DANIEL C. KRENTSER et al.,
Appellants-
Respondents,

and

ST. PETER'S HOSPITAL CENTER
OF THE CITY OF ALBANY,
INC., et al.,
Respondents.

MEMORANDUM AND ORDER

Calendar Date: January 9, 2020

Before: Garry, P.J., Mulvey, Aarons, Pritzker and
Colangelo, JJ.

Thorn, Gershon, Tymann and Bonanni, LLP, Albany (Erin Mead
of counsel), for appellants-respondents.

Savage Law PLLC, Beaufort, South Carolina (Denise L.
Savage of counsel), for respondents-appellants.

Maguire Cardona, PC, Albany (Amanda Kuryluk of counsel),
for respondents.

Mulvey, J.

Cross appeals from an order of the Supreme Court (Connolly, J.), entered September 20, 2018 in Albany County, which, among other things, partially denied a cross motion by defendants Daniel C. Kredentser and Women's Cancer Care Associates, LLC for summary judgment dismissing the complaint against them.

Following joinder of issue in this medical malpractice action, plaintiffs moved for, among other things, summary judgment on liability. Defendants Daniel C. Kredentser and Women's Cancer Care Associates, LLC cross-moved for summary judgment dismissing the complaint against them. Supreme Court denied plaintiffs' motion and partially denied the cross motion. Kredentser and Women's Cancer Care Associates appeal and plaintiffs cross-appeal.¹

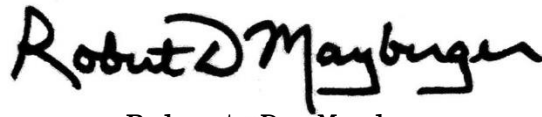
We have been informed that, during the pendency of these cross appeals, a trial was held on this matter and final judgments have been entered. Therefore, the appeal and cross appeal must be dismissed because "the right to appeal from a nonfinal order terminates upon the entry of a final judgment" (Augusta v Kwortnik, 161 AD3d 1401, 1403 [2018]; see McCormack v Maloney, 148 AD3d 1268, 1268-1269 [2017]). Finally, we note that the judgments were entered in November 2019. It was not until oral argument on January 9, 2020, however, that this Court was first apprised of the entry of these judgments. We take this opportunity to remind the bar that it must immediately notify this Court of any events that will impact a pending appeal and that the failure to do so may result in sanctions (see 22 NYCRR 1250.2 [c]).

Garry, P.J., Aarons, Pritzker and Colangelo, JJ., concur.

¹ This Court has previously decided appeals in this action regarding disclosure disputes (167 AD3d 1344 [2018]; 150 AD3d 1452 [2017]).

ORDERED that the appeal and cross appeal are dismissed,
without costs.

ENTER:

A handwritten signature in black ink that reads "Robert D. Mayberger". The signature is written in a cursive style with a large, stylized 'R' and 'M'.

Robert D. Mayberger
Clerk of the Court