

64 A.D.3d 1165, 881 N.Y.S.2d 346, 2009 N.Y. Slip Op. 05435
(Cite as: 64 A.D.3d 1165)

Supreme Court, Appellate Division, Fourth Department, New York.

Carl **BARTKOWIAK**, Plaintiff-Appellant,
v.

MEDTRONIC, INC., Medtronic Sofamor Danek, Inc., Medtronic Sofamor Danek, USA, Inc., Spinal Graft Technologies, L.L.C., Regeneration Technologies, Inc., Mercy Hospital of Buffalo, Catholic Health System, Inc., Defendants-Respondents, et al., Defendant.
July 2, 2009.

Appeal from an order of the Supreme Court, Erie County (Frank A. Sedita, Jr., J.), entered December 17, 2007 in an action for, inter alia, strict products liability. The order, among other things, granted the motions of defendants Medtronic, Inc., Medtronic Sofamor Danek, Inc., Medtronic Sofamor Danek, USA, Inc., Regeneration Technologies, Inc., Mercy Hospital of Buffalo, and Catholic Health System, Inc. to dismiss the complaint against them. Vinal & Vinal, Buffalo (Jeanne M. Vinal of Counsel), for plaintiff-appellant.

Quirk and Bakalor, P.C., New York City (Richard Bakalor of Counsel), Pepper Hamilton LLP, Philadelphia, Pennsylvania, for defendants-respondents Medtronic, Inc., Medtronic Sofamor Danek, Inc., Medtronic Sofamor Danek, USA, Inc., and Spinal Graft Technologies, L.L.C.

Wilson Elser Moskowitz Edelman & Dicker LLP, White Plains (Joseph A. D'Avanzo of Counsel), for defendant-respondent Regeneration Technologies, Inc.

Damon & Morey LLP, Buffalo (Amy Archer Flaherty of Counsel), for defendants-respondents Mercy Hospital of Buffalo and Catholic Health System, Inc.

It is hereby ORDERED that the order so appealed from is unanimously affirmed without costs for

reasons stated at Supreme Court.

SCUDDER, P.J., MARTOCHE, FAHEY, CARNI, and PINE, JJ., concur.
N.Y.A.D. 4 Dept. 2009.
Bartkowiak v. Medtronic, Inc.
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