

Pullman v Silverman

2013 NY Slip Op 34074(U)

March 27, 2013

Supreme Court, New York County

Docket Number: 111065/08

Judge: Joan B. Lobis

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This opinion is uncorrected and not selected for official publication.

**SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY: IAS PART 6**

-----X
DAVID PULLMAN,

Plaintiff,

Index No. 111065/08

-against-

Decision, Order and Judgment

DAVID A. SILVERMAN, M.D., and K. MOREAU,
a nurse employed by defendant David A. Silverman, M.D.,

Defendants.

-----X
JOAN B. LOBIS, J.S.C.:

Plaintiff David Pullman moves pursuant to Rule 2221 of the Civil Practice Law and Rules to renew and reargue Motion Sequence Number 3, in which Defendant David A. Silverman, M.D., successfully moved for summary judgment. Defendant Silverman, who is the only defendant who has appeared in this action, opposes the motion. For the following reasons, Plaintiff's motion, Motion Sequence Number 4, is denied.

On August 27, 2012, this Court granted Defendant Silverman's motion for summary judgment, and Plaintiff is currently appealing that determination. Plaintiff sued the Defendant in 2008 for medical malpractice and lack of informed consent. Plaintiff claims that Defendant negligently prescribed him Lipitor and subsequently Azithromycin, and that Defendant's conduct injured him.

Plaintiff's motion to reargue is denied as Plaintiff has failed to identify matters of fact or law allegedly overlooked or misapprehended by this Court in determining the prior motion for summary judgment. See C.P.L.R. Rule 2221(d)(2).

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Similarly, Plaintiff's motion to renew is unwarranted since Plaintiff has failed to set forth "new facts not offered on the prior motion that would change the prior determination," nor did Plaintiff "demonstrate that there has been a change in the law that would change the prior determination." C.P.L.R. Rule 2221(e)(2). Accordingly, it is

ORDERED that Plaintiff's motion to reargue is denied; and it is further

ORDERED that Plaintiff's motion to renew is denied.

Dated: *Mar. 27*, 2013

ENTER:

JBH

JOAN B. LOBIS, J.S.C.

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