

Supreme Court of the State of New York
Appellate Division, First Judicial Department

Moulton, J.P., Pitt-Burke, O'Neill Levy, Michael, Chan, JJ.

6013 ACADEMIC HEALTH PROFESSIONALS INSURANCE Index No. 650875/24
ASSOCIATION – A RECIPROCAL INSURER, Case No. 2024-07233
Plaintiff-Appellant,

-against-

BRIJ M. SINGH AHUWALIA et al.,
Defendants-Respondents.

Dentons US LLP, New York (Nicholas W. Petts of counsel), for appellant.

Garfunkel Wild, P.C., Garden City (Michael J. Keane, Jr. of counsel), for Brij M. Singh Ahluwalia, M.D., Robert Fekete, M.D., Shyla Kodi, M.D., Jin Li, M.D., Venkat Ramani, M.D., Anila Thomas, M.D., Angela Damiano, M.D., Lianne M. De Serres, M.D., Steven Hemmerdinger, M.D., Tali Lando, M.D., David Merer, M.D., Augustine Moscatello, M.D., Katrina Stidham, M.D., Denton Allman, M.D., Muhammad Choudhury, M.D., Abdol Majid Eshghi, M.D., Sean Fullerton, M.D., Gerald Matthews, M.D., and John Phillips, M.D., respondents.

Weiss Zarett Brofman Sonnenklar & Levy P.C., New Hyde Park (Michael J. Spithogiannis of counsel), for Raj Murali, M.D., Thomas D. Cerabona, M.D., Jonathan P. Giannone, M.D., Ashutosh Kaul, M.D., and Anthony Maffei, M.D., respondents.

Order, Supreme Court, New York County (Melissa A. Crane, J.), entered November 4, 2024, which granted defendants' motions to dismiss the complaint against them, unanimously affirmed, with costs.

Plaintiff contends that defendants were not covered by a prior settlement between plaintiff and the institutions that defendants worked for. However, the court properly concluded that the settlement covered these defendants, as the agreement's unambiguous terms released "each of" the "affiliated physicians," and the record, including the allegations in the complaint, establish that these defendants qualify as

“affiliated physicians” of the institutions previously released (*see Vintage, LLC v Laws Constr. Corp.*, 13 NY3d 847, 849 [2009]). Since the terms of the release are clear and unambiguous, there was no need for the court to refer to the agreement’s recitals (*see Jones Apparel Group, Inc. v Polo Ralph Lauren Corp.*, 16 AD3d 279, 279 [1st Dept 2005]; *Musman v Modern Deb*, 56 AD2d 752, 753 [1st Dept 1977]).

We have considered plaintiff’s remaining arguments and find them unavailing.

THIS CONSTITUTES THE DECISION AND ORDER
OF THE SUPREME COURT, APPELLATE DIVISION, FIRST DEPARTMENT.

ENTERED: March 5, 2026

A handwritten signature in black ink, appearing to read "Susanna M. Rojas". The signature is fluid and cursive, with the first name "Susanna" and the last name "Rojas" being the most prominent parts.

Susanna Molina Rojas
Clerk of the Court