

**SUPREME COURT OF THE STATE OF NEW YORK, APPELLATE DIVISION,
SECOND JUDICIAL DEPARTMENT**

Anonymous v. Packer

Anonymous, 2026 NY Slip Op 03133 (Supreme Court of the State of New York Appellate Division Second
Judicial Department 2026) · No. 2022-07580 · Decided May 20, 2026

OPINION

Anonymous v. Packer 2026 NY Slip Op 03133

PER CURIAM.

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PER CURIAM.

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May 20, 2026

Appellate Division, Second Department

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Anonymous, appellant,

v

Leslie E. Packer, respondent.

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

Decided on May 20, 2026

2022-07580, (Index No. 605245/20)

Mark C. Dillon, J.P.

Lara J. Genovesi

Donna-Marie E. Golia

Phillip Hom, JJ.

Michael Goldman, East Rockaway, NY, for appellant.

Kaufman Borgeest & Ryan LLP, Valhalla, NY (Jacqueline Mandell and Lisa Fleischmann of counsel), for respondent.

DECISION & ORDER

In an action, inter alia, to recover damages for medical malpractice, fraud, and intentional infliction of emotional distress, the plaintiff appeals from an order of the Supreme Court, Nassau County (Roy S. Mahon, J.), dated August 18, 2022. The order granted the defendant's motion pursuant to CPLR 3211(a) to dismiss the amended complaint.

ORDERED that the order is affirmed, with costs.

The plaintiff commenced this action against the defendant, who was the plaintiff's psychologist for several years, to recover damages for, inter alia, medical malpractice, fraud, and intentional infliction of emotional distress. In February 2022, the plaintiff filed an amended complaint. The defendant thereafter moved pursuant to CPLR 3211(a) to dismiss the amended complaint. The plaintiff opposed the motion. In an order dated August 18, 2022, the Supreme Court granted the defendant's motion. The plaintiff appeals.

Contrary to the plaintiff's contention, the Supreme Court properly granted the defendant's motion pursuant to CPLR 3211(a) to dismiss the amended complaint. There is nothing in the record to suggest that the court declined to consider the plaintiff's opposition papers (*see* *Emigrant Funding Corp. v Kensington Realty Group Corp.*, 178 AD3d 1020, 1022).

The defendant's remaining contentions

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DILLON, J.P., GENOVESI, GOLIA and HOM, JJ., concur.

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