

[Web](#) [Images](#) [Videos](#) [Maps](#) [News](#) [Shopping](#) [Gmail](#) [more](#) ▼[Sign in](#)

Yousian v. Eisenberg 34 AD3d 228

Search

[View this case](#)[How cited](#)**KALIMI YOUSIAN v. Eisenberg, 34 AD 3d 228 -**

34 A.D.3d 228 (2006)
822 N.Y.S.2d 710

**YAHYAK KALIMI YOUSIAN et al., Appellants,
v.
EISENBERG, MARGOLIS, FRIEDMAN & MOSES, et al., Respondents.**

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

Decided November 2, 2006.

Concur — Tom, J.P., Mazzairelli, Andrias, Sweeny and Malone, JJ.

The evidence was insufficient to raise a triable issue of fact as to whether, but for the alleged legal malpractice, i.e., causing the underlying action for medical malpractice to be struck from the trial calendar and thereafter failing to restore the action, plaintiffs would have been successful in the underlying action. The affidavit of plaintiffs' expert was inadequate to support inculpatory inferences that the complained-of surgery was, as plaintiffs contended, unnecessary and negligently performed. Nor was the affidavit sufficient to support an inference that the surgery was the proximate cause of the alleged injuries (see [Russo v Feder, Kaszovitz, Isaacson, Weber, Skala & Bass, 301 AD2d 63, 67 \[2002\]](#)).

[Go to Google Home](#) - [About Google](#) - [About Google Scholar](#)

©2010 Google