

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

D12864
C/cb

_____AD3d_____

Submitted - November 15, 2006

THOMAS A. ADAMS, J.P.
FRED T. SANTUCCI
WILLIAM F. MASTRO
ROBERT A. LIFSON, JJ.

2006-00327

DECISION & ORDER

Larry Smith, et al., appellants, v Eugene S. Orange,
et al., respondents.

(Index No. 6321/98)

Irving Singer, P.C., Hempstead, N.Y., for appellants.

Faust, Goetz, Schenker and Blee, LLP, New York, N.Y. (Erika C. Aljens of counsel),
for respondents.

In an action to recover damages for personal injuries, the plaintiffs appeal from an order of the Supreme Court, Queens County (Weiss, J.), dated November 4, 2005, which denied their motion, inter alia, to vacate an order of the same court dated December 4, 2000, dismissing the action.

ORDERED that the appeal is dismissed, without costs or disbursements.

On November 29, 2005, the Supreme Court Queens County, entered a judgment dismissing this action. This appeal from the intermediate order must be dismissed because the right of direct appeal therefrom terminated with entry of judgment in the action (*see Matter of Aho*, 39 NY2d 241, 248).

ADAMS, J.P., SANTUCCI, MASTRO and LIFSON, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

December 5, 2006

SMITH v ORANGE