

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

D11948

E/hu

\_\_\_\_\_AD3d\_\_\_\_\_

Argued - May 23, 2006

STEPHEN G. CRANE, J.P.  
DAVID S. RITTER  
ANITA R. FLORIO  
STEVEN W. FISHER, JJ.

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2001-10208

DECISION & ORDER

Stephen J. Brooks, et al., plaintiffs, v Judlau Contracting, Inc., defendant third-party plaintiff-respondent; Thunderbird Constructors, Inc., third-party defendant-appellant.

(Index No. 30239/99)

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Biedermann, Hoenig, Massamillo & Ruff, P.C., New York, N.Y. (Eugene F. Massamillo and Joshua Bruch of counsel), for defendant third-party plaintiff-respondent.

Cerussi & Spring, White Plains, N.Y. (Peter Riggs of counsel), for third-party defendant-appellant.

In an action to recover damages for personal injuries, etc., the third-party defendant appeals from an order of the Supreme Court, Kings County (Schmidt, J.), dated October 2, 2001, which denied that branch of its motion which was for summary judgment dismissing the third-party claim for contractual indemnification.

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

The appeal from the order must be dismissed because the right of direct appeal therefrom terminated with the entry of judgment in the action (*see Matter of Aho*, 39 NY2d 241, 248;

April 3, 2007

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BROOKS v JUDLAU CONTRACTING, INC.

*Brooks v Judlau Contr.*, \_\_\_\_\_AD3d\_\_\_\_\_ [Appellate Division Docket No. 2005-02139,  
decided herewith]).

CRANE, J.P., RITTER, FLORIO and FISHER, JJ., concur.

ENTER:

A handwritten signature in black ink, reading "James Edward Pelzer". The signature is written in a cursive, flowing style.

James Edward Pelzer  
Clerk of the Court