

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

D17190  
Y/cb

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Submitted - November 19, 2007

GABRIEL M. KRAUSMAN, J.P.  
STEVEN W. FISHER  
DANIEL D. ANGIOLILLO  
RUTH C. BALKIN, JJ.

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2006-00511

DECISION & ORDER

Woodhaven Associates, Inc., respondent, v  
Woodhaven Blvd. Rest., Inc., et al., appellants.

(Index No. 10004/05)

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Siller Wilk, LLP, New York, N.Y. (Alan D. Zuckerbrod of counsel), for appellants.

Law Offices of Eugene L. Weisbein, P.C., Garden City, N.Y. (James W. Cooke of counsel), for respondent.

In an action, inter alia, to recover an attorney's fee due pursuant to a lease and guaranty, the defendants appeal from an order of the Supreme Court, Nassau County (Woodard, J.), entered December 15, 2005, which denied their motion to dismiss the complaint pursuant to CPLR 3211(a)(1) and (7).

ORDERED that the order appealed from is dismissed, with costs.

The appeal from the order must be dismissed because the right of direct appeal therefrom terminated with the entry of judgment in the action on December 27, 2006 (*see Matter of Aho*, 39 NY2d 241, 248). The appeal from that judgment was dismissed by decision and order on motion of this Court dated October 9, 2007, for failure to perfect that appeal in accordance with the rules of this Court (*see* 22 NYCRR 670.8[h]).

KRAUSMAN, J.P., FISHER, ANGIOLILLO and BALKIN, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court

December 11, 2007

WOODHAVEN ASSOCIATES, INC. v WOODHAVEN BLVD. REST., INC.