

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

D20525
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_____AD3d_____

Argued - September 8, 2008

REINALDO E. RIVERA, J.P.
HOWARD MILLER
DANIEL D. ANGIOLILLO
CHERYL E. CHAMBERS, JJ.

2006-11118
2007-08757

DECISION & ORDER

Oscar Parrales, respondent, v Wonder Works
Construction Corp., et al., appellants (and third-
party actions).

(Index No. 22396/03)

Smith Mazure Director Wilkins Young & Yagerman, P.C., New York, N.Y. (Louis
H. Klein and Mark Taustine of counsel), for appellants.

David P. Kownacki, P.C., New York, N.Y. (Andrew D. Leftt of counsel), for
respondent.

In an action to recover damages for personal injuries, the defendants appeal (1) from an order of the Supreme Court, Kings County (Schmidt, J.), dated October 5, 2006, and (2), as limited by their brief, from so much of an amended order of the same court dated July 30, 2007, as granted that branch of the plaintiff's motion which was for summary judgment on his Labor Law § 241(6) cause of action.

ORDERED that the appeals are dismissed as academic, without costs or disbursements.

October 7, 2008

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PARRALES v WONDER WORKS CONSTRUCTION CORP.

The appeals from the order and the amended order are academic in light of our determination of the appeal in *Parrales v Wonder Works Constr. Corp.* (_____ AD3d _____ [Appellate Division Docket No. 2007-10367; decided herewith]) and, therefore, must be dismissed.

RIVERA, J.P., MILLER, ANGIOLILLO and CHAMBERS, 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