

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

D22175
T/kmg

_____AD3d_____

Argued - December 19, 2008

WILLIAM F. MASTRO, J.P.
ANITA R. FLORIO
RUTH C. BALKIN
RANDALL T. ENG, JJ.

2008-03797

DECISION & ORDER

Anthony Hodges, appellant, v P.C. Richard & Son
Service Company, Inc., et al., respondents.

(Index No. 14257/05)

Golan & Masiakos, LLP, Mineola, N.Y. (Jordan Masiakos of counsel), for appellant.

Gregory J. Parisi, Port Washington, N.Y. (Michelle S. Russo, P.C., of counsel), for respondents.

In an action to recover damages for personal injuries, the plaintiff appeals from an order of the Supreme Court, Nassau County (Martin, J.), entered April 7, 2008, which granted the defendants' motion pursuant to CPLR 3211(a) to dismiss the complaint and denied his cross motion to dismiss the defendants' affirmative defense that the action is barred by the Workers' Compensation Law.

ORDERED that the order is affirmed, with costs.

Contrary to the plaintiff's contention, the Supreme Court did not err in granting the defendants' motion to dismiss the complaint (*see Thompson v Grumman Aerospace Corp.*, 78 NY2d 553; *Roberson v Moveway Transfer and Storage*, 44 AD3d 839; *Ugijanin v 2 W. 45th St. Joint Venture*, 43 AD3d 911; *Bailey v Montefiore Med. Ctr.*, 12 AD3d 545; *Causewell v Barnes & Noble Bookstores*, 238 AD2d 536).

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The plaintiff's remaining contention is without merit.

MASTRO, J.P., FLORIO, BALKIN and ENG, JJ., concur.

ENTER:

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

James Edward Pelzer
Clerk of the Court