

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

D24073  
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\_\_\_\_\_AD3d\_\_\_\_\_

Argued - April 13, 2009

PETER B. SKELOS, J.P.  
STEVEN W. FISHER  
JOHN M. LEVENTHAL  
PLUMMER E. LOTT, JJ.

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2008-05678

DECISION & ORDER

Aaron W. Morales, appellant, v Coram Materials Corp., respondent, et al., defendants.

(Index No. 19996/03)

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Steven Cohn, P.C., Carle Place, N.Y. (Susan E. Dantzig of counsel), for appellant.

Tormello, McDonnell & Kehoe, Melville, N.Y. (Kevin P. Slattery of counsel), for respondent.

In an action to recover damages for personal injuries, the plaintiff appeals, as limited by his brief, from so much of an order of the Supreme Court, Suffolk County (Costello, J.), dated May 15, 2008, as granted that branch of the renewed motion of the defendant Coram Materials Corp. which was for summary judgment dismissing the complaint insofar as asserted against it.

ORDERED that the order is affirmed insofar as appealed from, with costs.

Although the defendant Coram Materials Corp. moved for summary judgment dismissing the complaint insofar as asserted against it based only on the General Obligations Law, upon our authority to search the record (*see* CPLR 3212[b]; *Dunham v Hilco Constr. Co.*, 89 NY2d 425, 429-430) and for the reasons stated in our decision and order on the companion appeal (*see Morales v Coram Materials Corp.*, \_\_\_\_\_AD3d\_\_\_\_\_ [Appellate Division Docket No. 2007-00314], decided herewith), we affirm the dismissal of the complaint insofar as asserted against Coram

July 28, 2009

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Materials Corp.

In light of the foregoing determination, the parties' remaining contentions have been rendered academic.

SKELOS, J.P., FISHER, LEVENTHAL and LOTT, 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