

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

D28199
C/hu

_____AD3d_____

Argued - June 8, 2010

MARK C. DILLON, J.P.
HOWARD MILLER
RANDALL T. ENG
CHERYL E. CHAMBERS, JJ.

2008-02607

DECISION & ORDER

Walter Gonzalez, respondent, v American Steel
Processing Co., appellant.

(Index No. 19000/05)

McGinity & McGinity, P.C., Garden City, N.Y. (Leo F. McGinity, Jr., of counsel),
for appellant.

Meyer, Suozzi, English & Klein, P.C., Garden City, N.Y. (Ted J. Tanenbaum and
Michael A. Ciaffa of counsel), for respondent.

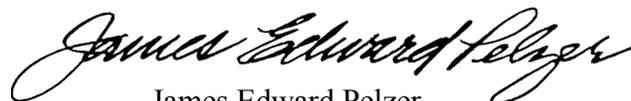
In an action to recover damages for personal injuries, the defendant appeals from
an order of the Supreme Court, Suffolk County (R. Doyle, J.), dated January 28, 2008, which denied
its motion for summary judgment dismissing the complaint.

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

The appeal from the intermediate 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). The issues raised on the appeal from the order are brought up for review and have been
considered on the appeal from the judgment (*see Gonzalez v American Steel Processing Co.*, _____
_____AD3d_____ [Appellate Division Docket No. 2009-03287; decided herewith]; CPLR
5501[a][1]).

DILLON, J.P., MILLER, ENG and CHAMBERS, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

August 24, 2010

GONZALEZ v AMERICAN STEEL PROCESSING CO.