

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

D28215
H/kmg

_____AD3d_____

Argued - June 14, 2010

PETER B. SKELOS, J.P.
RANDALL T. ENG
L. PRISCILLA HALL
PLUMMER E. LOTT, JJ.

2008-01355

DECISION & ORDER

Mike Grullon, respondent, v West 48th Street
Redevelopment Corp., et al., appellants.

(Index No. 17206/06)

Brody, Benard & Branch LLP, New York, N.Y. (Tanya M. Branch and Mary Ellen O'Brien of counsel), for appellants West 48th Street Redevelopment Corp. and Grenadier Realty Corp.

Barry, McTiernan & Moore, New York, N.Y. (Laurel A. Wedinger of counsel), for appellant Rael Automatic Sprinkler Company, Inc.

Law Offices of Michael Singer, P.C., New York, N.Y., for respondent.

In an action to recover damages for personal injuries, the defendants West 48th Street Redevelopment Corp. and Grenadier Realty Corp. appeal from so much of an order of the Supreme Court, Kings County (Schmidt, J.), dated December 20, 2007, as denied their motion for summary judgment dismissing the complaint insofar as asserted against them, and the defendant Rael Automatic Sprinkler Company, Inc., separately appeals from so much of the same order as denied its motion for summary judgment dismissing the complaint insofar as asserted against it.

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

The appeals from the intermediate order must be dismissed because the right of direct appeal therefrom terminated with the entry of final judgment in the action (*see Matter of Aho*, 39 NY2d 241, 248). The issues raised on the appeals from the order are brought up for review and have

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been considered on the appeal from the judgment (*see* CPLR 5501[a][1]; *Grullon v West 48th Street Redevelopment Corp.*, _____AD3d_____ [Appellate Division Docket No. 2009-06495, decided herewith]).

SKELOS, J.P., ENG, HALL 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