

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

D28257
Y/prt

_____AD3d_____

Argued - June 7, 2010

PETER B. SKELOS, J.P.
FRED T. SANTUCCI
THOMAS A. DICKERSON
JOHN M. LEVENTHAL, JJ.

2006-06717

DECISION & ORDER

Christopher Nesterczuk, et al., plaintiffs-respondents,
v Goldin Management, Inc., et al., defendants-respondents,
Alisa Construction Co., Inc., appellant, et al., defendants
(and a third-party action).

(Index No. 23746/04)

Smith & Laquercia, LLP, New York, N.Y. (Charles R. Strugatz and Edwin L. Smith of counsel), for appellant.

Clark, Gagliardi & Miller, P.C., White Plains, N.Y. (Lawrence T. D'Aloise, Jr., of counsel), for defendant-respondent Goldin Management, Inc.

Daniel O. Dietchweiler, Old Bethpage, N.Y., for defendant-respondent Park Slope Terrace, LLC.

In an action to recover damages for personal injuries, etc., the defendant Alisa Construction Co., Inc., appeals from so much of an order of the Supreme Court, Kings County (Harkavy, J.), entered June 28, 2006, as denied its motion for summary judgment dismissing the complaint and all cross claims insofar as asserted against it.

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

October 19, 2010

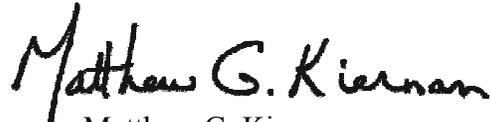
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This appeal from the intermediate order must be dismissed because the right of direct appeal therefrom terminated with the entry of judgment in the action (*see Matter of Aho*, 39 NY2d 241, 248). The issues raised on appeal from the order are brought up for review and have been considered on the appeal from the judgment (*see Nesterczuk v Goldin Mgt., Inc.*, _____AD3d_ _____ [Appellate Division Docket No. 2008-10114, decided herewith]).

SKELOS, J.P., SANTUCCI, DICKERSON and LEVENTHAL, JJ., concur.

ENTER:


Matthew G. Kiernan
Clerk of the Court