

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

D29125
G/ct

_____AD3d_____

Argued - November 4, 2010

MARK C. DILLON, J.P.
FRED T. SANTUCCI
THOMAS A. DICKERSON
CHERYL E. CHAMBERS, JJ.

2008-07956

DECISION & ORDER

Mount Vernon City School District, respondent, v Nova
Casualty Company, appellant, et al., defendant.

(Index No. 05657/07)

Neil B. Connelly, Esq., PLLC, White Plains, N.Y. (Aaron Mitchell of counsel), for
appellant.

Cohen & Perfetto, LLP, New York, N.Y. (Anthony L. Tersigni and Andrea Tersigni
of counsel), for respondent.

In an action to recover damages for breach of contract, the defendant Nova Casualty
Company appeals, as limited by its brief, from so much of an order of the Supreme Court,
Westchester County (Scheinkman, J.), entered August 4, 2008, as denied its motion for summary
judgment dismissing the complaint insofar as asserted against it.

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

The appeal from the order must be dismissed because the right of direct appeal
therefrom terminated with the entry of the 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 CPLR 5501[a][1]; Mount Vernon City School
District v Nova Casualty Company*, _____ AD3d _____ [Appellate Division Docket No. 2009-
08982], decided herewith).

DILLON, J.P., SANTUCCI, DICKERSON and CHAMBERS, JJ., concur.

ENTER: 
Matthew G. Kiernan
Clerk of the Court

November 23, 2010

MOUNT VERNON CITY SCHOOL DISTRICT v NOVA CASUALTY COMPANY