

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

D30662  
W/prt

\_\_\_\_\_AD3d\_\_\_\_\_

Argued - March 7, 2011

REINALDO E. RIVERA, J.P.  
DANIEL D. ANGIOLILLO  
RANDALL T. ENG  
SANDRA L. SGROI, JJ.

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2009-09552  
2009-11868  
2010-00514

DECISION & ORDER

God's Battalion of Prayer Pentecostal Church, Inc.,  
appellant-respondent, v Larry B. Hollander, et al.,  
respondents-appellants, Ropal Construction Corp.,  
et al., respondents.

(Index No. 1056/09)

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Zisholtz & Zisholtz, LLP, Mineola, N.Y. (Gerald Zisholtz and Meng Cheng of counsel), for appellant-respondent.

Wilson Elser Moskowitz Edelman & Dicker LLP, New York, N.Y. (Lauren J. Rocklin of counsel), for respondents-appellants.

Lazarowitz & Manganillo, PLLC, Hempstead, N.Y. (Carl Manganillo of counsel), for respondents Ropal Construction Corp., Charles Cross, and Andrew Paladino.

Rivkin Radler LLP, Uniondale, N.Y. (William M. Savino and Jason B. Gurdus of counsel), for respondents Paul Alongi and AXA Global Risks U.S. Insurance Company, as successor to Colonia Insurance Company.

In an action, inter alia, to recover damages for a violation of Judiciary Law § 487 and fraud, the plaintiff appeals (1), as limited by its brief, from so much of an order of the Supreme Court, Nassau County (Warshawsky, J.), entered September 1, 2009, as granted those branches of the separate motions of the defendants Larry B. Hollander, Hollander & Strauss, LLP, and Hollander & Strauss, as successor to Hollander, Strauss & Mastropietro, LLP, the defendants Ropal Construction Corp., Charles Cross, and Andrew Paladino, and the defendants Paul Alongi and AXA Global Risks

March 29, 2011

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GOD'S BATTALION OF PRAYER PENTECOSTAL CHURCH, INC. v HOLLANDER

U.S. Insurance Company, as successor to Colonia Insurance Company, which were pursuant to CPLR 3211(a) to dismiss the complaint insofar as asserted against each of them and (2) from a judgment of the same court dated October 14, 2009, which, upon the order, is in favor of the defendants and against it dismissing the complaint, and the defendants Larry B. Hollander, Hollander & Strauss LLP, and Hollander & Strauss, as successor to Hollander, Strauss & Mastropietro, LLP, cross-appeal from so much of the same judgment as, upon so much of the order entered September 1, 2009, as denied their cross motion for an award of sanctions against the plaintiff and its counsel, failed to award them sanctions, and (3) the defendants Larry B. Hollander, Hollander & Strauss, LLP, and Hollander & Strauss, as successor to Hollander, Strauss & Mastropietro, LLP, separately appeal from so much of an order of the same court entered November 16, 2009, as denied their second cross motion for an award of sanctions against the plaintiff and its counsel based upon conduct of the plaintiff and its counsel occurring subsequent to September 1, 2009.

ORDERED that the appeal from the order entered September 1, 2009, is dismissed; and it is further,

ORDERED that the judgment is affirmed; and it is further,

ORDERED that the order entered November 16, 2009, is affirmed insofar as appealed from; and it is further,

ORDERED that one bill of costs is awarded to the defendants appearing separately and filing separate briefs.

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* CPLR 5501[a][1]).

Contrary to the plaintiff's contentions, the Supreme Court properly dismissed its complaint (*see* CPLR 3211[a][3], [5], [7]). Further, the Supreme Court providently denied both the first and second cross motions of the defendants Larry B. Hollander, Hollander & Strauss, LLP, and Hollander & Strauss, as successor to Hollander, Strauss & Mastropietro, LLP, for an award of sanctions against the plaintiff and its counsel (*see* 22 NYCRR 130-1.1[c]).

RIVERA, J.P., ANGIOLILLO, ENG and SGROI, JJ., concur.

ENTER:



Matthew G. Kiernan  
Clerk of the Court