

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

D30663
H/prt

_____AD3d_____

Argued - March 4, 2011

WILLIAM F. MASTRO, J.P.
PETER B. SKELOS
RUTH C. BALKIN
SHERI S. ROMAN, JJ.

2009-02761

DECISION & ORDER

Chaim Loeffler, appellant, v Sirius America Insurance Company, et al., defendants, Ohio Casualty Group, respondent.

(Index No. 3656/07)

Solomon Rosengarten, Brooklyn, N.Y., for appellant.

Congdon, Flaherty, O'Callaghan, Reid, Donlon, Travis & Fishlinger, Uniondale, N.Y.
(Rona L. Platt of counsel), for respondent.

In an action pursuant to Insurance Law § 3420 to recover the amount of a judgment obtained against the defendants' insureds, the plaintiff appeals, as limited by his brief, from so much of an order of the Supreme Court, Rockland County (Weiner, J.), dated January 17, 2009, as denied his cross motion for summary judgment on the complaint insofar as asserted against the defendant Ohio Casualty Group.

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 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]*; *Loeffler v Sirius America*

March 29, 2011

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LOEFFLER v SIRIUS AMERICA INSURANCE COMPANY

Insurance Company, _____AD3d_____ [Appellate Division Docket No. 2010-02981;
decided herewith]).

MASTRO, J.P., SKELOS, BALKIN and ROMAN, JJ., concur.

ENTER:


Matthew G. Kiernan
Clerk of the Court