

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

D32444
O/kmb

_____AD3d_____

Submitted - September 19, 2011

REINALDO E. RIVERA, J.P.
RUTH C. BALKIN
L. PRISCILLA HALL
JEFFREY A. COHEN, JJ.

2007-09576

DECISION & ORDER

Bank of America, N.A. (USA), respondent,
v Bajinath Agiwal, appellant.

(Index No. 2115/06)

Bajinath Agiwal, Fresh Meadows, N.Y., appellant pro se.

In an action to recover damages for breach of contract and on an account stated, the defendant appeals from an order of the Supreme Court, Queens County (Kitzes, J.), dated September 7, 2007, which, after a hearing to determine the validity of service of process, denied his motion to dismiss the complaint for lack of personal jurisdiction.

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

The appeal from the intermediate order denying the defendant's motion to dismiss the complaint for lack of personal jurisdiction 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).

RIVERA, J.P., BALKIN, HALL and COHEN, JJ., concur.

ENTER:


Matthew G. Kiernan
Clerk of the Court

October 4, 2011

BANK OF AMERICA, N.A. (USA) v AGIWAL