

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

D35344
C/kmb

_____AD3d_____

Argued - May 1, 2012

DANIEL D. ANGIOLILLO, J.P.
RANDALL T. ENG
PLUMMER E. LOTT
LEONARD B. AUSTIN, JJ.

2010-11749

DECISION & ORDER

Lovino, Inc., doing business as Bodyline Collision,
et al., respondents, v Lavallee Law Offices, et al.,
appellants (and a third-party action).

(Index No. 14530/08)

Traub Lieberman Straus & Shrewsberry LLP, Hawthorne, N.Y. (Christopher Russo
of counsel), for appellants.

McGinity & McGinity, P.C., Garden City, N.Y. (Leo F. McGinity, Jr. of counsel), for
respondents.

In an action to recover damages for legal malpractice, the defendants appeal from an
order of the Supreme Court, Nassau County (Feinman, J.), entered October 27, 2010, which denied
their motion for summary judgment dismissing the complaint.

ORDERED that the appeal is dismissed, with costs.

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 on August 12, 2011 (*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 Lovino, Inc. v Lavallee Law Offices*,
_____AD3d _____ [Appellate Division Docket No. 2011-09020, decided herewith]; CPLR
5501[a][1]).

ANGIOLILLO, J.P., ENG, LOTT and AUSTIN, JJ., concur.

ENTER:


Aprilanne Agostino
Clerk of the Court

June 20, 2012

LOVINO, INC., doing business as BODYLINE COLLISION v LAVALLEE LAW OFFICES