

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

D35590
C/hu

_____AD3d_____

Argued - June 14, 2012

REINALDO E. RIVERA, J.P.
ANITA R. FLORIO
RANDALL T. ENG
JEFFREY A. COHEN, JJ.

2010-05466

DECISION & ORDER

Broadway-Flushing Homeowners' Association,
Inc., respondent, v Anthony Dilluvio, et al.,
appellants, et al., defendants.

(Ind. No. 22214/05)

Carriero & Associates, PLLC, North Beach, N.Y. (J. James Carriero of counsel), for
appellants.

Nicolosi & Nicolosi, LLP, Manhasset, N.Y. (Vincent F. Nicolosi of counsel), for
respondent.

In an action, inter alia, to enforce a restrictive covenant and for injunctive relief, the
defendants Anthony Dilluvio and Joseph M. Dilluvio appeal from an order of the Supreme Court,
Queens County (Siegal, J.), entered April 22, 2010, which denied their motion for summary
judgment dismissing the complaint insofar as asserted against them.

ORDERED that the appeal is dismissed, with costs.

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]*; *Broadway-Flushing
Homeowners' Assn, Inc., v Dilluvio*, _____AD3d_____ [Appellate Division Docket No. 2011-

July 11, 2012

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BROADWAY-FLUSHING HOMEOWNERS' ASSOCIATION, INC. v DILLUVIO

08214; decided herewith]).

RIVERA, J.P., FLORIO, ENG and COHEN, JJ., concur.

ENTER:


Aprilanne Agostino
Clerk of the Court