

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

D54311
G/hu

_____AD3d_____

Submitted - October 24, 2017

RUTH C. BALKIN, J.P.
LEONARD B. AUSTIN
SANDRA L. SGROI
VALERIE BRATHWAITE NELSON, JJ.

2015-05315

DECISION & ORDER

In the Matter of Joel Grossbarth, etc., respondent, v
Dankner, Milstein and Ruffo, P.C., appellant.

(Index No. 31526/15)

Dankner, Milstein & Ruffo, P.C., sued herein as Dankner, Milstein and Ruffo, P.C.
(Alexander J. Wulwick, New York, NY, of counsel), appellant pro se.

Levin & Chetkof, LLP, Westbury, NY (Howard A. Chetkof of counsel), for
respondent.


In a proceeding to recover an attorney's fee, the appeal is from an order of the
Supreme Court, Rockland County (Loehr, J.), dated April 30, 2015, which granted the petition to the
extent of finding that the petitioner was entitled to a determination of his fee on a quantum meruit
basis and his disbursements and directing the commencement of discovery.

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 a judgment in the action entered December 16, 2016 (*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 (*Matter of Grossbarth v
Dankner, Milstein and Ruffo, P.C.*, _____ AD3d _____ [Appellate Division Docket No. 2017-
00389; decided herewith]; *see* CPLR 5501[a][1]; *Matter of Aho*, 39 NY2d at 248).

BALKIN, J.P., AUSTIN, SGROI and BRATHWAITE NELSON, JJ., concur.

ENTER:


Aprilanne Agostino
Clerk of the Court

January 10, 2018

MATTER OF GROSSBARTH v DANKNER, MILSTEIN AND RUFFO, P.C.