

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

D54930  
T/htr

\_\_\_\_\_AD3d\_\_\_\_\_

Submitted - December 1, 2017

WILLIAM F. MASTRO, J.P.  
RUTH C. BALKIN  
FRANCESCA E. CONNOLLY  
LINDA CHRISTOPHER, JJ.

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2015-04811  
2015-07504

DECISION & ORDER

Ashish Kapoor, etc., respondent, v AWI Wireless,  
LLC, appellant.

(Index No. 14434/12)

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The Chatrath Law Firm, P.C., Mineola, NY (Sandeep Chatrath of counsel), for  
appellant.

Ira J. Furman, Merrick, NY, for respondent.

Appeals from two orders of the Supreme Court, Nassau County (Vito M. DeStefano, J.), dated November 6, 2014, and April 15, 2015, respectively. The order dated November 6, 2014, in effect, granted those branches of the plaintiff's motion which were for summary judgment on the issue of liability and dismissing the defendant's counterclaim alleging breach of contract, and denied the defendant's cross motion to compel arbitration. The order dated April 15, 2015, insofar as appealed from, denied that branch of the defendant's motion which was to vacate the note of issue and denied the defendant's separate motion for summary judgment dismissing the complaint.

ORDERED that the appeals are dismissed, without costs or disbursements.

The appeals from the orders must be dismissed because the right of direct appeal therefrom terminated with the entry of a final judgment in the action (*see Matter of Aho*, 39 NY2d 241, 248). The issues raised on the appeals from the orders are brought up for review and have been considered on the appeal from the judgment, entered April 28, 2016 (*see CPLR 5501[a][1]*); *Kapoor*

March 28, 2018


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*v AWI Wireless, LLC*, \_\_\_\_ AD3d \_\_\_\_ [Appellate Division Docket No. 2016-8247; decided herewith]).

MASTRO, J.P., BALKIN, CONNOLLY and CHRISTOPHER, JJ., concur.

ENTER:

  
Aprilanne Agostino  
Clerk of the Court