

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

D55516

C/hu

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

Argued - February 6, 2018

LEONARD B. AUSTIN, J.P.  
SHERI S. ROMAN  
SANDRA L. SGROI  
FRANCESCA E. CONNOLLY, JJ.

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2015-12528

DECISION & ORDER

Juan P. Munzon, respondent, v Victor at Fifth, LLC,  
et al., appellants (and other titles).

(Index No. 21838/12)

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Armienti, DeBellis, Guglielmo & Rhoden, LLP (Carol R. Finocchio, New York, NY,  
of counsel), for appellants.

Jacob Oresky & Associates, PLLC (Pollack, Pollack, Isaac & DeCicco, LLP, New  
York, NY [Brian J. Isaac and Kenneth J. Gorman], of counsel), for respondent.

In an action to recover damages for personal injuries, the defendants appeal from an order of the Supreme Court, Queens County (Timothy J. Dufficy, J.), entered November 30, 2015. The order, insofar as appealed from, granted that branch of the plaintiff's motion which was for summary judgment on the issue of liability on the Labor Law § 240(1) cause of action, and denied those branches of the defendants' motion which were for summary judgment dismissing the Labor Law §§ 240(1) and 241(6) causes of action.

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

The appeal from the order must be dismissed because the right of direct appeal therefrom terminated with the entry of judgment in the action on August 1, 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 (*see CPLR 5501[a][1]; Munzon v Victor at Fifth, LLC, et al.*, \_\_\_\_AD3d\_\_\_\_ [Appellate Division Docket No. 2016-09779; decided herewith]).

AUSTIN, J.P., ROMAN, SGROI and CONNOLLY, JJ., concur.

ENTER:



Aprilanne Agostino  
Clerk of the Court

May 30, 2018

MUNZON v VICTOR AT FIFTH, LLC