

SUPREME COURT OF THE STATE OF NEW YORK
Appellate Division, Fourth Judicial Department

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CA 23-01750

PRESENT: WHALEN, P.J., BANNISTER, GREENWOOD, NOWAK, AND KEANE, JJ.

BRIAN C. PRUSIK, PLAINTIFF-APPELLANT,

V

MEMORANDUM AND ORDER

LIBERTY MUTUAL INSURANCE GROUP, INC., DEFENDANT,
AND GEDDES FEDERAL SAVINGS AND LOAN ASSOCIATION,
DEFENDANT-RESPONDENT.

WOODS OVIATT GILMAN LLP, ROCHESTER (ANDREW J. RYAN OF COUNSEL), FOR
PLAINTIFF-APPELLANT.

D.J. & J.A. CIRANDO, PLLC, SYRACUSE (REBECCA L. KONST OF COUNSEL), FOR
DEFENDANT-RESPONDENT.

Appeal from an order of the Supreme Court, Onondaga County (Gregory R. Gilbert, J.), entered September 28, 2023. The order granted the motion of defendant Geddes Federal Savings and Loan Association to, inter alia, strike a note of issue.

It is hereby ORDERED that said appeal is unanimously dismissed without costs.

Memorandum: Plaintiff appeals from an order that granted defendant Geddes Federal Savings and Loan Association's motion seeking, inter alia, to strike the note of issue and obtain further discovery. The right to appeal from an intermediate order terminates upon the entry of a final order resolving the case (*see Matter of Aho*, 39 NY2d 241, 248 [1976]; *see generally* CPLR 5501 [a] [1]). Because the record of this case in the New York State Courts Electronic Filing System establishes that a final order was entered on July 1, 2024, of which we take judicial notice (*see McCann v Gordon*, 204 AD3d 1449, 1449 [4th Dept 2022], *appeal dismissed* 38 NY3d 1158 [2022]), plaintiff's appeal from the intermediate order must be dismissed (*see Triest v Nixon Equip. Servs., Inc.* [appeal No. 2], 224 AD3d 1364, 1365 [4th Dept 2024]; *McDonough v Transit Rd. Apts., LLC*, 164 AD3d 1603, 1603 [4th Dept 2018]).

Entered: March 14, 2025

Ann Dillon Flynn
Clerk of the Court