

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

1345

CA 11-00532

PRESENT: SMITH, J.P., PERADOTTO, LINDLEY, GREEN, AND MARTOCHE, JJ.

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VERIZON NEW YORK INC., PLAINTIFF-RESPONDENT,

V

ORDER

ECSM UTILITY CONTRACTORS, INC.,  
DEFENDANT-APPELLANT.  
(APPEAL NO. 1.)

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DOBSHINSKY & PRIYA, LLC, NEW YORK CITY (NEAL S. DOBSHINSKY OF  
COUNSEL), FOR DEFENDANT-APPELLANT.

SOLOMON AND SOLOMON, P.C., ALBANY (TODD M. SARDELLA OF COUNSEL), FOR  
PLAINTIFF-RESPONDENT.

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Appeal from an amended order of the Supreme Court, Onondaga  
County (Deborah H. Karalunas, J.), entered December 2, 2010. The  
amended order denied the cross motion of defendant for summary  
judgment dismissing the complaint, granted in part the motion of  
plaintiff for summary judgment and awarded plaintiff \$210,896.51.

It is hereby ORDERED that said appeal is unanimously dismissed  
without costs (*see Hughes v Nussbaumer, Clarke & Velzy*, 140 AD2d 988;  
*Chase Manhattan Bank, N.A. v Roberts & Roberts*, 63 AD2d 566, 567; *see*  
*also* CPLR 5501 [a] [1]).

Entered: December 23, 2011

Frances E. Cafarell  
Clerk of the Court