

**SUPREME COURT OF THE STATE OF NEW YORK, APPELLATE DIVISION,
SECOND JUDICIAL DEPARTMENT**

Min Kyu Jun v. Azam

2017 N.Y. Slip Op. 06931 (App. Div. 2017) · No. 2015-12641 · Decided October 4, 2017

SUMMARY

The Appellate Division, Second Department dismissed Hyo Eun Kwak's appeal from an order granting defendants summary judgment on the ground that she did not sustain a serious injury under Insurance Law § 5102(d). The court held that the right to directly appeal the order terminated upon entry of judgment, and that the issues were reviewable on appeal from the judgment.

OPINION

PER CURIAM.

Min Kyu Jun v Azam (2017 NY Slip Op 06931) Min Kyu Jun v Azam 2017 NY Slip Op 06931 Decided on October 4, 2017 Appellate Division, Second Department Published by New York State Law Reporting Bureau pursuant to Judiciary Law § 431. This opinion is uncorrected and subject to revision before publication in the Official Reports. Decided on October 4, 2017 SUPREME COURT OF THE STATE OF NEW YORK Appellate Division, Second Judicial Department REINALDO E. RIVERA, J.P.

LEONARD B. AUSTIN SHERI S. ROMAN SYLVIA O. HINDS-RADIX FRANCESCA E. CONNOLLY, JJ. 2015-12641 (Index No. 702950/12) [*1]Min Kyu Jun, plaintiff, Hyo Eun Kwak, appellant, vRizwan Azam, et al., respondents. Sim & Record, LLP, Bayside, NY (Sang J. Sim of counsel), for appellant. Nancy L. Isserlis (Saretsky Katz & Dranoff, LLP, New York, NY [Gary J. Levy], of counsel), for respondents.

DECISION & ORDER In an action to recover damages for personal injuries, the plaintiff Hyo Eun Kwak appeals from an order of the Supreme Court, Queens County (Lane, J.), entered December 18, 2015, which granted the defendants' motion for summary judgment dismissing the complaint insofar as asserted by her on the ground that she did not sustain a serious injury within the meaning of Insurance Law § 5102(d) as a result of the subject accident.

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 a judgment in the action on April 25, 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 (Min Kyu Jun v Azam, _____ AD3d _____ [Appellate Division

Docket No. 2016-05710; decided herewith]; see CPLR 5501[a][1]; Matter of Aho, 39 NY2d at 248). RIVERA, J.P., AUSTIN, ROMAN, HINDS-RADIX and CONNOLLY, JJ., concur. ENTER: Aprilanne Agostino Clerk of the Court

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