

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

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CA 23-00039

PRESENT: SMITH, J.P., CURRAN, MONTOUR, AND KEANE, JJ.

ECHO FORD, ALSO KNOWN AS HONG JU WANG
AND J. MARK FORD, PLAINTIFFS-APPELLANTS,

V

MEMORANDUM AND ORDER

FAYEZ CHAHFE, M.D., CHAHFE MEDICAL PROFESSIONAL
RECRUITMENT, LLC, TANYA PERKINS-MWANTUALI, M.D.,
EAST UTICA MEDICAL GROUP, DEFENDANTS-RESPONDENTS,
ET AL., DEFENDANTS.

PORTER LAW GROUP, SYRACUSE (MICHAEL S. PORTER OF COUNSEL), FOR
PLAINTIFFS-APPELLANTS.

MARTIN, GANOTIS, BROWN, MOULD & CURRIE, P.C., DEWITT (CHARLES E.
PATTON OF COUNSEL), FOR DEFENDANTS-RESPONDENTS FAYEZ CHAHFE, M.D. AND
CHAHFE MEDICAL PROFESSIONAL RECRUITMENT, LLC.

GALE GALE & HUNT, LLC, FAYETTEVILLE (ANDREW R. BORELLI OF COUNSEL),
FOR DEFENDANTS-RESPONDENTS TANYA PERKINS-MWANTUALI, M.D. AND EAST
UTICA MEDICAL GROUP.

Appeal from an order of the Supreme Court, Oneida County (Gregory R. Gilbert, J.), entered November 22, 2022. The order denied the motion of plaintiffs to set aside the jury verdict.

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

Memorandum: Plaintiffs appeal from an order denying their motion to set aside the jury verdict. "The right to appeal from an intermediate order terminates with the entry of a final judgment" (*Deuser v Precision Constr. & Dev., Inc.*, 149 AD3d 1540, 1540 [4th Dept 2017] [internal quotation marks omitted]; see *Matter of Aho*, 39 NY2d 241, 248 [1976]; see generally CPLR 5501 [a] [1]). Here, because a final judgment in this action was entered on December 27, 2022, plaintiffs' appeal from the intermediate order must be dismissed (see *McCann v Gordon*, 204 AD3d 1449, 1449 [4th Dept 2022], *appeal dismissed* 38 NY3d 1158 [2022]; *Deuser*, 149 AD3d at 1540). Plaintiffs may raise their contentions in an appeal from the final judgment (see *McDonough v Transit Rd. Apts., LLC*, 164 AD3d 1603, 1603 [4th Dept 2018]; see

generally Chase Manhattan Bank, N.A. v Roberts & Roberts, 63 AD2d 566, 567 [1st Dept 1978]).

Entered: May 10, 2024

Ann Dillon Flynn
Clerk of the Court