

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

**U.S. Bank National Association v. Suffolk County Public
Administrator**

2026 NY Slip Op 00282 · No. 2024-13499 · Decided January 21, 2026

SUMMARY

The Appellate Division, Second Department dismissed 260LA, LLC's appeal from an order denying its motion to vacate a foreclosure judgment and obtain related relief. The court held that the appellate record was inadequate because it omitted key documents, including the order of reference, the order and judgment of foreclosure and sale, and the affidavit of service.

OPINION

PER CURIAM.

U.S. Bank N.A. v Suffolk County Pub. Admr. (2026 NY Slip Op 00282) U.S. Bank N.A. v Suffolk County Pub. Admr. 2026 NY Slip Op 00282 Decided on January 21, 2026 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 January 21, 2026 SUPREME COURT OF THE STATE OF NEW YORK Appellate Division, Second Judicial Department MARK C. DILLON, J.P. PAUL WOOTEN BARRY E. WARHIT DONNA-MARIE E. GOLIA, JJ. 2024-13499 (Index No. 50356/09) [*1]U.S. Bank National Association, etc., respondent, v Suffolk County Public Administrator, etc., et al., defendants; 260LA, LLC, etc., nonparty-appellant.

Christopher Thompson (McKinley Law, P.C., Lloyd Harbor, NY [Shannon C. McKinley], of counsel), for nonparty-appellant. Davidson Fink LLP, Rochester, NY (Richard N. Franco of counsel), for respondent. DECISION & ORDER In an action to foreclose a mortgage, nonparty 260LA, LLC, appeals from an order of the Supreme Court, Suffolk County (S. Betsy Heckman Torres, J.), dated December 10, 2024.

The order denied that nonparty's motion pursuant to CPLR 5015(a) to vacate, inter alia, an order and judgment of foreclosure and sale (one paper) of the same court entered April 5, 2024, and, upon vacatur, to dismiss the complaint or, in the alternative, for leave to file a late answer. ORDERED that the appeal is dismissed, with costs. "CPLR 5526 requires that a record on appeal contain the papers and exhibits upon which the order appealed from was founded.

It is the obligation of the appellant to assemble a proper record on appeal" (*McWhinney v Rockland Cider Works, LLC*, 233 AD3d 668, 669, quoting *Bruzzese v Bruzzese*, 203 AD3d 1007, 1010; see *Klein v Richs Towing*, 213 AD3d 920, 920-921). "Generally speaking, [a]n appellant's record on appeal must contain all of the relevant papers before the Supreme Court" (*McWhinney v Rockland Cider Works, LLC*, 233 AD3d at 669, quoting *Babayev v Kreitzman*, 168 AD3d 655, 655; see CPLR 5526).

Here, the record is inadequate, as it does not include, inter alia, a copy of the order of reference, the order and judgment of foreclosure and sale, or the affidavit of service of the subject motion, upon all of which the appellant relies on this appeal. Since these omissions "inhibit [this] [C]ourt's ability to render an informed decision on the merits of the appeal," dismissal of the appeal is appropriate (*McWhinney v Rockland Cider Works, LLC*, 233 AD3d at 669, quoting *Ravasio v La Pata*, 216 AD3d 686, 687; see *Klein v Richs Towing*, 213 AD3d at 921).

DILLON, J.P., WOOTEN, WARHIT and GOLIA, JJ., concur. ENTER: Darrell M. Joseph Clerk of the Court