

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.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, Second Judicial Department
WRITING FOR THE COURT	Mark C. Dillon, J.P.; Paul Wooten, J.; Barry E. Warhit, J.; Donna-Marie E. Golia, J.
JURISDICTION	Supreme Court of the State of New York, Appellate Division, Second Judicial Department
DECIDED	January 21, 2026
DOCKET	2024-13499
DISPOSITION	dismissed
PROCEDURAL POSTURE	In a mortgage foreclosure action, nonparty 260LA, LLC appealed from an order denying its CPLR 5015(a) motion to vacate an order and judgment of foreclosure and sale and, upon vacatur, to dismiss the complaint or obtain leave to file a late answer.
STANDARD OF REVIEW	The appeal was dismissed without reaching the merits because the appellate record was inadequate under CPLR 5526.
PRECEDENTIAL VALUE	Published New York appellate decision
PARTIES	260LA, LLC, nonparty-appellant v. U.S. Bank National Association, respondent

TOPICS

appellate procedure

foreclosure

mortgages

civil procedure

PRACTICE AREAS

appellate procedure

civil procedure

mortgage foreclosure

real estate litigation

QUESTIONS PRESENTED

1. Whether the appeal should be dismissed because the appellant failed to assemble a complete appellate record containing the papers and exhibits upon which the order appealed from was founded.

HOLDINGS

1. An appeal may be dismissed when the appellant's record omits relevant papers and exhibits upon which the order appealed from was founded, and the omissions prevent the appellate court from making an informed decision on the merits.

KEY QUOTATIONS

“CPLR 5526 requires that a record on appeal contain the papers and exhibits upon which the order appealed from was founded.” (2026 NY Slip Op 00282)

“Since these omissions inhibit this Court's ability to render an informed decision on the merits, dismissal of the appeal is appropriate” (2026 NY Slip Op 00282)

FACTUAL BACKGROUND

The underlying action was brought to foreclose a mortgage. 260LA, LLC, a nonparty, sought to vacate the foreclosure-related order and judgment and obtain dismissal of the complaint or leave to file a late answer, but its appellate record omitted the order of reference, the order and judgment of foreclosure and sale, and the affidavit of service of the motion.

PROCEDURAL HISTORY

The Supreme Court, Suffolk County, denied 260LA's motion in an order dated December 10, 2024. The Appellate Division dismissed the appeal because the appellant failed to provide a complete record containing papers and exhibits upon which the challenged order was founded.

DISPOSITION

dismissed

CASES CITED

- McWhinney v. Rockland Cider Works, LLC, 233 A.D.3d 668, 669
- Bruzzese v. Bruzzese, 203 A.D.3d 1007, 1010
- Klein v. Rich's Towing, 213 A.D.3d 920, 920-921

- Babayev v. Kreitzman, 168 A.D.3d 655, 655
- Ravasio v. La Pata, 216 A.D.3d 686, 687

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/supreme-court-of-the-state-of-new-york-appellate-division-second-judicial-department-supreme-court-o/2026/u-s-bank-national-association-v-suffolk-county-public-keegsv28>