

Supreme Court of the State of New York
Appellate Division: Second Judicial Department

D22895
C/prt

_____AD3d_____

Submitted - March 17, 2009

PETER B. SKELOS, J.P.
STEVEN W. FISHER
HOWARD MILLER
RANDALL T. ENG, JJ.

2008-06875

DECISION & ORDER

Robert Robertson, etc., et al., appellants, v United
Equities, Inc., respondent, et al., defendants;
Regina Felton, nonparty-appellant.

(Index No. 35178/04)

Regina Felton, Brooklyn, N.Y., nonparty-appellant pro se, and for appellant Robert
Robertson, individually and as executor of the estate of Rachael Beard.

Goldberg Weprin Finkel Goldstein LLP, New York, N.Y. (Matthew Hearle of
counsel), for respondent.

In an action, inter alia, to set aside a deed conveying certain real property, the plaintiff
Robert Robertson, individually and as executor of the estate of Rachael Beard, and nonparty Regina
Felton, the attorney for the plaintiffs, appeal from an order of the Supreme Court, Kings County
(Schack, J.), dated July 2, 2008, which, after a hearing, granted that branch of the motion of the
defendant United Equities, Inc., which was pursuant to 22 NYCRR 130-1.1 for an award of an
attorney's fee payable by the nonparty-appellant, and directed the nonparty-appellant to pay an
attorney's fee in the sum of \$13,287.50.

ORDERED that the appeal is dismissed, with costs.

The plaintiffs are not aggrieved by the order granting that branch of the motion of
United Equities, Inc., which was pursuant to NYCRR 130-1.1 for an award of an attorney's fee
payable by the nonparty-appellant and directing the nonparty-appellant to pay an attorney's fee in the
sum of \$13,287.50.

Moreover, "[i]t is the obligation of the appellant to assemble a proper record on

April 21, 2009

Page 1.

ROBERTSON v UNITED EQUITIES, INC.

appeal, which must include any relevant transcripts of proceedings before the Supreme Court” (see *Nakyeoung Seoung v Vicuna*, 38 AD3d 734, 735). The appellants failed to include in their record on appeal a copy of the transcript of the proceedings leading to the order on appeal. The record is inadequate to enable this Court to render an informed decision on the merits. Thus, the appeal must be dismissed (see *Nakyeoung Seoung v Vicuna*, 38 AD3d 734, 735; *Gerhardt v New York City Tr. Auth.*, 8 AD3d 427, 427).

SKELOS, J.P., FISHER, MILLER and ENG, JJ., concur.

ENTER:

A handwritten signature in black ink, reading "James Edward Pelzer". The signature is written in a cursive, flowing style.

James Edward Pelzer
Clerk of the Court