

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

D30727  
C/prt

\_\_\_\_\_AD3d\_\_\_\_\_

Submitted - February 24, 2011

REINALDO E. RIVERA, J.P.  
MARK C. DILLON  
L. PRISCILLA HALL  
SHERI S. ROMAN, JJ.

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2010-05983

DECISION & ORDER

Deutsche Bank National Trust Company, etc., respondent,  
v Adam Youngelman, appellant, et al., defendant.

(Index No. 6467/07)

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William S. Neal, Woodhaven, N.Y., for appellant.

Rosicki, Rosicki & Associates, P.C., Plainview, N.Y. (Owen M. Robinson of counsel), for respondent.

In an action to foreclose a mortgage, the defendant Adam Youngelman appeals, as limited by his brief, from so much of an order of the Supreme Court, Suffolk County (Gazzillo, J.), dated April 13, 2010, as denied his cross motion, inter alia, for leave to serve and file an amended answer.

ORDERED that the order is affirmed insofar as appealed from, with costs.

Under the circumstances of this case, the Supreme Court properly denied that branch of the appellant's cross motion which was for leave to serve and file an amended answer to assert defenses, counterclaims, and cross claims (*cf. Trataros Constr., Inc. v New York City School Constr. Auth.*, 46 AD3d 874, 874-875).

The appellant's remaining contentions are without merit.

RIVERA, J.P., DILLON, HALL and ROMAN, JJ., concur.

ENTER:



Matthew G. Kiernan  
Clerk of the Court

April 5, 2011

DEUTSCHE BANK NATIONAL TRUST COMPANY v YOUNGELMAN