

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

D32678
O/ct

_____AD3d_____

Argued - October 6, 2011

DANIEL D. ANGIOLILLO, J.P.
JOHN M. LEVENTHAL
LEONARD B. AUSTIN
SHERI S. ROMAN, JJ.

2011-03711

DECISION & ORDER

Pratik Apparels, Ltd., appellant, v Shintex Apparel Group, Inc., et al., defendants, Classic Logistics, Inc., respondent.

(Index No. 14290/10)

David Laniado, Cedarhurst, N.Y., for appellant.

Grunfeld, Desiderio, Lebowitz, Silverman & Klestadt, New York, N.Y. (David M. Murphy of counsel), for respondent.

Appeal by the plaintiff, as limited by its brief, from so much of an order of the Supreme Court, Kings County (Saitta, J.), dated March 31, 2011, as granted that branch of the motion of the defendant Classic Logistics, Inc., which was pursuant to CPLR 3211(a)(1) to dismiss the complaint insofar as asserted against it.

ORDERED that the appeal is dismissed, with costs.

“It is the obligation of the appellant to assemble a proper record on appeal, which must contain all of the relevant papers that were before the Supreme Court” (*Wen Zong Yu v Hua Fan*, 65 AD3d 1335, 1335; *see* CPLR 5526; *Matter of Remy v Mitchell*, 60 AD3d 860; *Cohen v Wallace & Minchenberg*, 39 AD3d 689). Here, the record assembled on appeal, which did not include a copy of the complaint, is inadequate to enable this Court to render an informed decision on the merits. Accordingly, the appeal must be dismissed (*see Block 6222 Constr. Corp. v Sobhani*, 84 AD3d 1292; *Emco Tech Constr. Corp. v Pilavas*, 68 AD3d 918, 918-919; *Matter of Allstate Ins.*

October 25, 2011

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PRATIK APPARELS, LTD. v SHINTEX APPAREL GROUP, INC.

Co. v Vargas, 288 AD2d 309, 310).

ANGIOLILLO, J.P., LEVENTHAL, AUSTIN and ROMAN, JJ., concur.

ENTER:


Matthew G. Kiernan
Clerk of the Court