

**SUPREME COURT OF THE STATE OF NEW YORK**  
*Appellate Division, Fourth Judicial Department*

**862.2**

**CA 14-00619**

PRESENT: SCUDDER, P.J., SMITH, CENTRA, FAHEY, AND PERADOTTO, JJ.

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CSMC 2007-C1 OSWEGO ROAD, LLC, PLAINTIFF-RESPONDENT,

V

MEMORANDUM AND ORDER

KIMBROOK ROUTE 31, LLC, PHILIP J. SIMAO,  
DEFENDANTS-APPELLANTS,  
ET AL., DEFENDANTS.  
(APPEAL NO. 2.)

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BOND, SCHOENECK & KING, PLLC, SYRACUSE (STEPHEN A. DONATO OF COUNSEL),  
FOR DEFENDANTS-APPELLANTS.

BUCHANAN INGERSOLL & ROONEY PC, BUFFALO (MAUREEN T. BASS OF COUNSEL),  
FOR PLAINTIFF-RESPONDENT.

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Appeal from a judgment of the Supreme Court, Onondaga County (Deborah H. Karalunas, J.), entered February 28, 2014. The judgment ratified and confirmed a report of a referee and ordered a foreclosure sale.

It is hereby ORDERED that the judgment so appealed from is unanimously affirmed without costs.

Same Memorandum as in *CSMC 2007-C1 Oswego Rd., LLC v Kimbrook Rte. 31, LLC* ([appeal No. 1] \_\_\_ AD3d \_\_\_ [Sept. 26, 2014]).

Entered: September 26, 2014

Frances E. Cafarell  
Clerk of the Court