

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

D54462
O/htr

_____AD3d_____

Submitted - December 19, 2017

L. PRISCILLA HALL, J.P.
LEONARD B. AUSTIN
SANDRA L. SGROI
LINDA CHRISTOPHER, JJ.

2015-02113

DECISION & ORDER

Joyce Lan Zhen Zhao, et al., respondents, v Na Chan,
et al., appellants, et al., defendants.

(Index No. 25849/10)

Goldberg & Dubin, P.C., New York, NY (Stacey Van Malden of counsel), for
appellants.

Vincent S. Wong, New York, NY, for respondents.

Appeal from a judgment of the Supreme Court, Kings County (Richard N. Allman, Ct. Atty. Ref.), dated December 1, 2014. The judgment, after a nonjury trial, is in favor of the plaintiffs and against the defendants Na Chan and Tak Ching Chan in the total principal sum of \$882,650.

ORDERED that the appeal is dismissed, with costs.


The plaintiffs commenced this action, inter alia, to recover damages for violations of the Securities Act of 1933 (15 USC § 77e *et seq.*). On December 1, 2014, after a nonjury trial, the Supreme Court issued a judgment in favor of the plaintiffs and against the defendants Na Chan and Tak Ching Chan (hereinafter together the defendants). The defendants appeal from the judgment.

“An appellant who perfects an appeal by using the appendix method must file an appendix that contains all the relevant portions of the record in order to enable the court to render an informed decision on the merits of the appeal” (*Swift v Broadway Neon Sign Corp.*, 137 AD3d 893, 893, quoting *NYCTL 1998-1 Trust v Shahipour*, 29 AD3d 965, 965). “The appendix shall contain those portions of the record necessary to permit the court to fully consider the issues which will be raised by the appellant and the respondent, including material excerpts from transcripts of

testimony” (*Beizer v Swedish*, 125 AD3d 703, 703 [internal quotation marks omitted]). “An appellate court should not be subjected to the task of untangling and mastering the facts from an inadequate and incoherent appendix” (*Diana v DeLisa*, 151 AD3d 806, 808-809, quoting *Lo Gerfo v Lo Gerfo*, 30 AD2d 156, 157). Here, since the appendix, which contained only limited portions of the trial transcripts, is inadequate to enable this Court to render an informed decision on the merits, the appeal must be dismissed (*see Aguiar-Consolo v City of New York*, 113 AD3d 707, 708).

HALL, J.P., AUSTIN, SGROI and CHRISTOPHER, JJ., concur.

ENTER:


Aprilanne Agostine
Clerk of the Court