

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

802

**CA 24-00390**

PRESENT: SMITH, J.P., MONTOUR, GREENWOOD, NOWAK, AND KEANE, JJ.

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U.S. BANK NATIONAL ASSOCIATION, AS INDENTURE  
TRUSTEE FOR CIM TRUST 2016-4, MORTGAGE-BACKED  
NOTES, SERIES 2016-4, PLAINTIFF-RESPONDENT,

V

MEMORANDUM AND ORDER

PATRICK M. ECKER, DEFENDANT-APPELLANT,  
ROSE I. ECKER, ALSO KNOWN AS ROSE E. ECKER,  
ET AL., DEFENDANTS.  
(APPEAL NO. 2.)

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LEGAL ASSISTANCE OF WESTERN NEW YORK, INC., JAMESTOWN (RICK GOODELL OF  
COUNSEL), FOR DEFENDANT-APPELLANT.

MCCALLA RAYMER LEIBERT PIERCE, LLC, NEW YORK CITY (HAROLD L. KOFMAN OF  
COUNSEL), FOR PLAINTIFF-RESPONDENT.

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Appeal from an order of the Supreme Court, Chautauqua County  
(Grace Marie Hanlon, J.), entered June 14, 2023. The order, inter  
alia, granted the motion of plaintiff to discontinue the action.

It is hereby ORDERED that said appeal is unanimously dismissed  
without costs.

Same memorandum as in *U.S. Bank Natl. Assn. v Ecker* ([appeal No.  
1] – AD3d – [Apr. 25, 2025] [4th Dept 2025]).

Entered: April 25, 2025

Ann Dillon Flynn  
Clerk of the Court