

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

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CA 25-00960

PRESENT: WHALEN, P.J., BANNISTER, SMITH, NOWAK, AND DELCONTE, JJ.

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HOMESTATE ASSET MANAGEMENT, LLC,  
PLAINTIFF-RESPONDENT,

V

ORDER

U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE  
FOR REGISTERED HOLDINGS OF BANK OF AMERICA  
MERRILL LYNCH COMMERCIAL MORTGAGE, INC.,  
MULTIFAMILY MORTGAGE PASS-THROUGH  
CERTIFICATES, SERIES 2016-KX02, DEFENDANT,  
AND ARBOR AGENCY LENDING, LLC, DEFENDANT-APPELLANT.

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WESTERMAN BALL EDERER MILLER ZUCKER & SHARFSTEIN LLP, UNIONDALE  
(JEFFREY A. MILLER OF COUNSEL), FOR DEFENDANT-APPELLANT.

BYRNE, COSTELLO & PICKARD, P.C., SYRACUSE (JORDAN R. PAVLUS OF  
COUNSEL), FOR PLAINTIFF-RESPONDENT.

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Appeal from an order of the Supreme Court, Onondaga County  
(Joseph E. Lamendola, J.), entered May 7, 2025. The order denied the  
motion of defendant Arbor Agency Lending, LLC, to dismiss the  
complaint against it.

It is hereby ORDERED that the order so appealed from is  
unanimously affirmed without costs for reasons stated in the decision  
at Supreme Court.

Entered: March 20, 2026

Ann Dillon Flynn  
Clerk of the Court