

Derek Andrade v Kelsey Simpson Andrade

Motion No: 2026-03028 2026-03205

Slip Opinion No: 2026 NY Slip Op 70466(U)

Decided on June 18, 2026

Appellate Division, First Department, Motion Decision

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This motion is uncorrected and is not subject to publication in the
Official Reports.

Supreme Court of the State of New York
Appellate Division, First Judicial Department

Present – Hon. Troy K. Webber,
David Friedman
Manuel J. Mendez
John R. Higgitt
Shlomo S. Hagler,

Justice Presiding,

Justices.

Derek Andrade,
Plaintiff-Respondent,

-against-

Kelsey Simpson Andrade,
Defendant-Appellant.

Confidential
Motion Nos. 2026-03028
2026-03205
Index No. 365404/24
Case No. 2025-06308

An appeal having been taken to this Court from an order of the Supreme Court, New York County, entered on or about October 8, 2025, and said appeal having been perfected,

And plaintiff-respondent having moved to dismiss the appeal or, in the alternative, to supplement the record on appeal and to impose sanctions on defendant-appellant for frivolous and bad faith conduct (Motion No. 2026-03028),

And defendant-appellant having cross-moved for attorneys' fees in connection with this cross-motion due to plaintiff-respondent's frivolous conduct (Motion No. 2026-03205),

Now, upon reading and filing the papers with respect to the motion and cross-motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of permitting plaintiff-respondent to supplement the record on appeal with the August 14, 2025 transcript, the proposed order, and annexed exhibits; the request for sanctions is denied; and the request to dismiss the appeal is denied without prejudice to raising the arguments on appeal (Motion No. 2026-03028),

And it is further ordered that the cross-motion is denied (Motion No. 2026-03205).

ENTERED: June 18, 2026

A handwritten signature in black ink, reading "Susanna Molina Rojas". The signature is fluid and cursive, with the first name "Susanna" being more prominent and the last name "Rojas" written in a slightly smaller, more compact script.

Susanna Molina Rojas
Clerk of the Court