

**Ocwen Loan Servicing, LLC v Carmen A. Pacheco & Carmen
J. Pacheco**

Motion No: 2021-02565

Slip Opinion No: 2021 NYSlipOp 74695(U)

Decided on November 18, 2021

Appellate Division, First Department, Motion Decision

Published by [New York State Law Reporting Bureau](#) pursuant to
Judiciary Law § 431.

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. Dianne T. Renwick,
Ellen Gesmer
Peter H. Moulton
Martin Shulman
Bahaati E. Pitt,

Justice Presiding,

Justices.

Ocwen Loan Servicing, LLC,
Plaintiff-Respondent,

Motion No. 2021-02565

Index No. 850228/15

Case No. 2020-02952

-against-

Carmen A. Pacheco and Carmen J. Pacheco,
Defendants-Appellants,

Akam Associates Inc., et al.,
Defendants.

An appeal having been taken to this Court from an order of the Supreme Court, New York County, entered on or about September 30, 2019, and said appeal having been perfected,

And plaintiff-respondent having moved to dismiss the aforesaid appeal based upon defendants-appellants filing of an improper record which fails to include the transcript of, and exhibits from, the hearing proceedings upon which the order appealed from is based, and which improperly includes motion papers which post-date the order appealed and which motions are currently pending in Supreme Court or, in the alternative, to strike defendants' record on appeal and brief and direct defendants to file an amended record and brief; and to grant plaintiff-respondent an extension of time in which to file a respondent's brief,

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

It is ordered that the motion is granted to the extent of striking defendants-appellants' record on appeal and brief, with leave to file an amended brief and record for the March 2022 Term of this Court, which record shall consist solely of the record before the Referee, including the hearing transcript and exhibits admitted at the hearing, which defendants consent to include in the record, and which omits motion papers filed after the Referee's decision and order entered on September 30, 2019, and which otherwise complies with CPLR 5526 and 22 NYCRR 1250.7. The Clerk of the Court is directed to strike the appeal from the December 2021 calendar.

ENTERED: November 18, 2021

A handwritten signature in black ink, appearing to read "Susanna M. Rojas". The signature is fluid and cursive, with the first name "Susanna" and the last name "Rojas" clearly distinguishable.

Susanna Molina Rojas
Clerk of the Court