

Leidy Breton v Avi Dishi

Motion No: 2022-01220

Slip Opinion No: 2022 NYSlipOp 64761(U)

Decided on April 21, 2022

Appellate Division, First Department, Motion Decision

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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. Cynthia S. Kern,
Jeffrey K. Oing
Lizbeth González
Martin Shulman
John R. Higgitt,

Justice Presiding,

Justices.

Leidy Breton,
Plaintiff-Appellant,

-against-

Motion No. **2022-01220**
Index No. 157760/16
Case Nos. 2021-03764
2022-00268

Avi Dishi,
Defendant-Respondent.

Appeals having been taken to this Court from an amended order of the Supreme Court, New York County, entered on or about September 17, 2021 (Case No. 2021-03764) and from a judgment, same Court, entered on or about October 13, 2021 (Case No. 2022-00268), and the consolidated appeals appeal having been perfected,

And defendant-respondent having moved, pursuant to CPLR 5526, to dismiss the consolidated appeals on the grounds that plaintiff-appellant deliberately omitted pertinent documents from the record on appeal, or in the alternative, permitting defendant-respondent to submit a supplemental record on appeal containing the omitted documents with cost of reproducing same to be borne by plaintiff-appellant,

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 that plaintiff-appellant is directed to file a supplemental record containing Dr. Sadegh's reply affidavit, and a certified copy of the New York Presbyterian records, annexed as Exhibit D and E to the defendant-respondent's affirmation in support, within 20 days of the date of this order.

ENTERED: April 21, 2022



Susanna Molina Rojas
Clerk of the Court