

**AB Stable VIII LLC v Law Off. of Ning Ye, Esq.**

Motion No: 2023-03217

Slip Opinion No: 2023 NY Slip Op 72263(U)

Decided on August 24, 2023

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. Anil C. Singh, Justice Presiding,  
Lizabeth González  
Tanya R. Kennedy  
Julio Rodriguez III  
Bahaati E. Pitt-Burke, Justices.

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AB Stable VIII LLC, AB Stable VI LLC and	Motion No.	2023-03217
SHR Essex House, LLC,	Index No.	652814/22
Plaintiffs-Respondents,	Case No.	2022-04774

-against-

Law Office of Ning Ye, Esq., and Yan Zhao,  
Defendants-Appellants.

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An appeal having been taken to this Court from an order of the Supreme Court, New York County, entered on or about August 22, 2022, and from an order, same Court and Justice, entered on or about September 15, 2022, and said appeal having been perfected,

And plaintiffs-respondents having moved to dismiss the aforesaid appeal, or, in the alternative, to strike portions of defendants-appellants' brief and appendix and to direct defendants-appellants to file a new or supplemental appendix, and for an extension of time to file a Respondent's Brief pending resolution of the motion,

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 the appendix and appellants' brief and directing defendants-appellants to (1) refile, within the time limitations provided for the December 2023 Term of this Court, to which the appeal was adjourned by order of a Justice of this Court entered on July 24, 2023, an appendix that complies with CPLR 5528(a)(5) and 22 NYCRR 1250.7, insofar as it contains a complete notice of appeal and the orders appealed from, complete copies of materials relevant and necessary to determine this appeal that were submitted to the Supreme Court in connection with Motion Sequence Nos. 1 and 2, including any such materials that plaintiffs-respondents may reasonably be expected to rely upon and (2) refile their brief, also within the time limitations provided for the December 2023 Term of this Court, without reference to any matters not contained in the refiled appendix, without prejudice to plaintiffs arguing on appeal that defendants failed to take a valid appeal from the aforesaid August 22, 2022 order of the Supreme Court. To the extent plaintiffs seek an extension of time to file their Respondents' Brief, that request is academic in light of the aforementioned order of this Court entered on July 24, 2023.

ENTERED: August 24, 2023

A handwritten signature in black ink, appearing to read "Susanna Molina Rojas". The signature is fluid and cursive, with the first name "Susanna" being the most prominent part.

Susanna Molina Rojas  
Clerk of the Court