

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

**791**

**CA 17-01920**

PRESENT: SMITH, J.P., CENTRA, LINDLEY, CURRAN, AND WINSLOW, JJ.

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U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR  
RESIDENTIAL ASSET SECURITIES CORPORATION HOME  
EQUITY MORTGAGE ASSET-BACKED PASS-THROUGH  
CERTIFICATES SERIES 2006-KS2,  
PLAINTIFF-RESPONDENT,

V

MEMORANDUM AND ORDER

MICHAEL BALDERSTON, ET AL., DEFENDANTS,  
AND PHILIP CIUFO, DEFENDANT-APPELLANT.  
(APPEAL NO. 2.)

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PHILIPPONE LAW OFFICES, ROCHESTER (JAMES V. PHILIPPONE OF COUNSEL),  
FOR DEFENDANT-APPELLANT.

RAS BORISKIN, LLC, WESTBURY (CHRIS LESTAK OF COUNSEL), FOR  
PLAINTIFF-RESPONDENT.

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Appeal from an order of the Supreme Court, Monroe County (Ann Marie Taddeo, J.), entered January 27, 2017. The order, inter alia, granted the motion of plaintiff for summary judgment against defendant Philip Ciufu, and struck the answer of that defendant.

It is hereby ORDERED that the order so appealed from is unanimously affirmed without costs.

Same memorandum as in *U.S. Bank N.A. v Balderston* ([appeal No. 1] – AD3d – [July 25, 2018] [4th Dept 2018]).

Entered: July 25, 2018

Mark W. Bennett  
Clerk of the Court