

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

**1312**

**CA 17-00784**

PRESENT: CENTRA, J.P., PERADOTTO, CARNI, DEJOSEPH, AND WINSLOW, JJ.

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KEYBANK NATIONAL ASSOCIATION,  
PLAINTIFF-RESPONDENT,

V

MEMORANDUM AND ORDER

PHILIP SIMAO, DEFENDANT-APPELLANT,  
ET AL., DEFENDANTS.  
(APPEAL NO. 2.)

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MCMAHON, KUBLICK & SMITH, P.C., SYRACUSE (JAN S. KUBLICK OF COUNSEL),  
FOR DEFENDANT-APPELLANT.

FEIN, SUCH & CRANE, LLP, ROCHESTER, D.J. & J.A. CIRANDO, ESQS.,  
SYRACUSE (JOHN A. CIRANDO OF COUNSEL), FOR PLAINTIFF-RESPONDENT.

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Appeal from a decision of the Supreme Court, Jefferson County  
(James P. McClusky, J.), entered September 9, 2016. The decision  
granted plaintiff's motion for a judgment of foreclosure and sale.

It is hereby ORDERED that said appeal is unanimously dismissed  
without costs.

Same memorandum as in *KeyBank N.A. v Simao* ([appeal No. 1] \_\_\_\_  
AD3d \_\_\_\_ [Nov. 17, 2017]).

Entered: November 17, 2017

Mark W. Bennett  
Clerk of the Court