

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

**1163**

**CA 17-01381**

PRESENT: CARNI, J.P., LINDLEY, DEJOSEPH, NEMOYER, AND WINSLOW, JJ.

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STATE OF NEW YORK MORTGAGE AGENCY,  
PLAINTIFF-RESPONDENT,

V

ORDER

SAM ROBERT FARRUGGIA, DEFENDANT,  
MICHELLE M. FARRUGGIA, ALSO KNOWN AS  
MICHELLE FARRUGGIA, DEFENDANT-APPELLANT,  
ET AL., DEFENDANTS.

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THOMAS J. CASERTA, JR., NIAGARA FALLS, FOR DEFENDANT-APPELLANT.

AKERMAN LLP, NEW YORK CITY (JORDAN M. SMITH OF COUNSEL), FOR  
PLAINTIFF-RESPONDENT.

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Appeal from an order of the Supreme Court, Niagara County (Ralph A. Boniello, III, J.), entered February 17, 2017. The order denied the motion of defendant Michelle M. Farruggia to compel plaintiff to offer her a loan modification.

It is hereby ORDERED that the order so appealed from is unanimously affirmed without costs for reasons stated in the decision at Supreme Court.

Entered: November 9, 2018

Mark W. Bennett  
Clerk of the Court