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STATE OF NEW YORK COURT OF APPEALS

John P. Asiello
Chief Clerk and
Legal Counsel to the Court

Clerk's Office
20 Eagle Street
Albany, New York 12207-1095

May 10, 2019

Mr. Xiu Jian Sun
54-25 153rd Street
Flushing, NY 11355

Re: Sun v Jing

Dear Mr. Xiu Jian Sun:

The Court has received your preliminary appeal statement and will examine its subject matter jurisdiction with respect to whether on any basis exists for an appeal as of right. This examination of jurisdiction shall not preclude the Court from addressing any jurisdictional concerns in the future.

You should file within ten days after this letter's date your comments in letter format justifying the retention of subject matter jurisdiction and a copy of the papers filed this letter, your adversary is likewise afforded the opportunity to comment in letter format

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on the Court's subject matter jurisdiction within the same ten-day period after this letter's date. All letters shall be filed with proof of service of one copy of the letter on each party.

If applicable, the disclosure statement required to be filed by corporations and other business entities pursuant to section 500.1(f) of the Court of Appeals Rules of Practice shall be filed with the written submissions discussed above.

The times within which briefs on the merits must be filed are held in abeyance during the pendency of this jurisdictional inquiry. If this inquiry is terminated by the Court, the Clerk will notify counsel in writing and set a schedule for the perfecting of the appeal. This communication is without prejudice to any motion any party may wish to make.

Very truly yours,
John P. Asiello
John P. Asiello

JPA/mnw/ai

cc: James W. Tuffin, Esq.
Charles T. Gura, Esq.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 9, 2019.

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And defendant-respondent Wu Hua Jing M.D. PhD
having moved for dismissal of the aforesaid appeal or,

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in the alternative, for a filing injunction against plaintiff, and to adjourn the time to file a respondent's brief,

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 dismissing the appeal, and otherwise denied.

ENTERED:

Susanna Rojas
CLERK

**At a Term of the Appellate Division of the
Supreme Court held in and for the First Judicial
Department in the County of New York on
January 8, 2019.**

Present - Hon. David Friedman, Justice Presiding,
 Judith J. Gische
 Barbara R. Kapnick
 Marcy L. Kahn
 Cynthia S. Kern, Justices.

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The Church of Jesus Christ of
Latter Day Saints, Servant:
Xiu Jian Sun, The Spiritual Adam,
 Plaintiff-Appellant, **M-5306**
 -against- Index No. 100947/17
Wu Hua Jing M.D. PHD and Dustin T.
Nguyen M.D. Lawyers: Jones Hirsch
Connors Miller and Bull, P.C., Michael P.
Kelly, Esq., James P. Connors, Esq.,
Charles T. Gura, Esq., Angela M.
Evangelista, Esq.,
 Defendants-Respondents

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Plaintiff-appellant having moved pursuant to 22
NYCRR 1250.10(c), to vacate the dismissal of the appeal
taken from an order of the Supreme Court, New York
County, entered on or about December 13, 2017, and

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upon vacatur, enlarging the time to perfect said appeal, for leave to prosecute the appeal, as a poor person, and for other relief,

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 vacating the dismissal, reinstating the appeal, and enlarging the time to perfect said appeal to the May 2019 Term, and is otherwise denied.

ENTERED:

Susanna Rojas

CLERK

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1000947/2017 ORDER AND DECISION-MOTION TO
DISMISS DUPLICATIVE GRANTED 12/14/17 PART
58 SEQ 001 EA 12/21/17

**SUPREME COURT OF THE STATE OF NEW
YORK NEW YORK COUNTY**

PRESENT: HON. DAVID BENJAMIN COHEN

Justice PART 58

_____x
INDEX NO. 100947/2017
CHURCH OF JESUS CHIDST MOTION DATE
Plaintiff, MOTION SEQ NO. 001
-v- **DECISION AND ORDER**
JING, WU HUA
Defendant

FILED

DEC 22 2017

_____x
YORK NEW YORK COUNTY
COUNTY CLERK

The following papers, numbered _____,
were read on this motion to/for _____

Notice of Motion/Petition/OSC-Affidavits-Exhibits
No(s) _____

Answering Affidavits – Exhibits No(s) _____

Replying No(s) _____

Upon the foregoing papers, it is

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This Motion to dismiss is duplicative of Motion Sequence #002 which was granted by this Court by Decision and Order dated December 5, 2017. This motion is deemed withdrawn.

DATED: 12/14/2017

David Benjamin Cohen

David Benjamin Cohen, J.S.C.

HON. David Benjamin Cohen, J.S.C.

CHECK ONE ☒ CASE DISPOSED
 ☐ GRANTED
APPLICATION ☐ SETTLE ORDER
CHECK IF APPROPRIATE ☐ DO NOT POST

☐ DENIED

☐ NON-FINAL POSITION
☐ GRANTED IN ART
☐ SUBMIT ORDER
☐ FIDUCIARY APPOINTMENT

☒ OTHER
☐ REFERENCE

1000947/2017 CHURCH OF JESUS CHIDST vs.
JING, WU HUA

Printed: 10/19/2018