

Appendix A

State of New York

Court of Appeals

*Decided and Entered on the
twenty-second day of March, 2022*

Present, Hon. Janet DiFiore, *Chief Judge, presiding.*

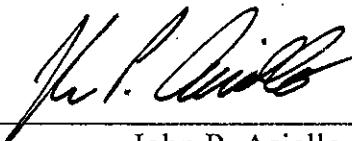
Mo. No. 2021-971
Dervanna H.A. Troy-McKoy,
Appellant,
v.
Mount Sinai Beth Israel,
Respondent.

Appellant having moved for leave to appeal to the Court of Appeals and for poor person relief in the above cause;

Upon the papers filed and due deliberation, it is

ORDERED, that the motion for leave to appeal is denied; and it is further

ORDERED, that the motion for poor person relief is dismissed as academic.



John P. Asiello
Clerk of the Court

Appendix B

FILED: NEW YORK COUNTY CLERK 12/18/2020 04:29 PM
NYSCEF DOC. NO. 47

INDEX NO. 157291/2020
RECEIVED NYSCEF: 12/18/2020

SUPREME COURT OF THE STATE OF NEW YORK NEW YORK COUNTY

PRESENT: <u>HON. PAUL A. GOETZ</u>	PART	IAS MOTION 47EFM
	Justice	
	X	
DERVANNA TROY-MCKOY,	INDEX NO.	<u>157291/2020</u>
Plaintiff,	MOTION DATE	
	MOTION SEQ. NO.	<u>001</u>
- V -		
MOUNT SINAI BETH ISRAEL,	DECISION + ORDER ON	
Defendant.	MOTION	
	X	

The following e-filed documents, listed by NYSCEF document number (Motion 001) 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46 were read on this motion to/for DISMISS.

Upon the foregoing documents, it is

ORDERED that defendant's motion to dismiss is GRANTED as the documentary evidence, namely the affidavit of service, refutes plaintiff's claims; and it is further

ORDERED that the complaint is dismissed against defendant and the Clerk shall enter judgment accordingly.

12/18/2020	DATE	PAUL A. GOETZ, J.S.C.			
CHECK ONE:	<input checked="" type="checkbox"/> CASE DISPOSED	<input type="checkbox"/> NON-FINAL DISPOSITION			
	<input checked="" type="checkbox"/> GRANTED	<input type="checkbox"/> GRANTED IN PART			
APPLICATION:	<input type="checkbox"/> SETTLE ORDER	<input type="checkbox"/> SUBMIT ORDER			
CHECK IF APPROPRIATE:	<input type="checkbox"/> INCLUDES TRANSFER/REASSIGN	<input type="checkbox"/> FIDUCIARY APPOINTMENT	<input type="checkbox"/> OTHER		
		<input type="checkbox"/> REFERENCE			

Appendix C

FILED: APPELLATE DIVISION - 1ST DEPT 10/26/2021 10:32 AM

2021-00359

NYSCEF DOC. NO. 9

RECEIVED NYSCEF: 10/26/2021

Supreme Court of the State of New York

Appellate Division, First Judicial Department

Gische, J.P., Webber, Mazzarelli, Pitt, JJ.

14487 DERVANNA H.A. TROY-MCKOY,
Plaintiff-Appellant,

Index No. 157291/20
Case No. 2021-00359

-against-

MOUNT SINAI BETH ISRAEL,
Defendant-Respondent.

Dervanna H.A. Troy-McKoy, appellant pro se.

Rubin, Fiorella, Friedman & Mercante LLP, New York (Leila Cardo of counsel), for respondent.

Order, Supreme Court, New York County (Paul A. Goetz, J.), entered December 18, 2020, which granted defendant's motion to dismiss the complaint, unanimously affirmed, with costs.

Plaintiff's claims are all based on his allegation that a certain affidavit of service contains a forged version of his signature. A review of the affidavit reveals that it does not purport to contain plaintiff's signature at all but only those of the affiant and the



notary public. Thus, the complaint was correctly dismissed as conclusively refuted by the documentary evidence, i.e., the affidavit of service.

THIS CONSTITUTES THE DECISION AND ORDER
OF THE SUPREME COURT, APPELLATE DIVISION, FIRST DEPARTMENT.

ENTERED: October 26, 2021



Susanna Molina Rojas
Clerk of the Court

**Additional material
from this filing is
available in the
Clerk's Office.**