

## TABLE OF APPENDICES

Documents	Page
APPENDIX 1	Order Dismissing Appeal To The Court Of Appeals Of The State Of New York, December 12, 2024.....1a
APPENDIX 2	New York Appellate Division, First Department's September 26, 2024, Order Dismissing Case 2022-05698 Which Raised Substantial Constitutional Questions And Striking The Only Joint Record On Appeal Filed Singularly By Petitioner.....3a
APPENDIX 3	1st Dept. Declines To Release SA To Petitioner, Stays Time To Find Outside Ortho And To Destroy Paid Merchandise.....7a
APPENDIX - 4A	New York Supreme Court's December 9, 2022, Order punishes Petitioner with additional costs and unlawful detention of property and only grants Default without relief and Only 1 of 34 claims in the Summary Judgment.....11a
APPENDIX 4B	New York Supreme Court's December 9, 2022, Grants Summary Judgment and dismissal to Tortfeasor That

	Falsely Stated Petitioner Already Received Her Property Triggering Fraud, Conversion and Petitioner's inability to reverse the Charges....15a
APPENDIX 4C	New York Supreme Court's December 9, 2022, Order punishes Petitioner with additional costs, unlawful detention of property, unlawfully introduces outside party into case and grants Summary Judgment dismissal to all Tortfeasors aside from 1 claim.....20a
APPENDIX 5	Trial Court Denies Plaintiff's OSC To Quash Defendant's Adjournment Stating Referee Has Addressed Issues, Dated June 8, 2022.....23a
APPENDIX 6	NYSC Denies Plaintiff's OSC To Quash Defendant's Demand For Oral Examinations, Erroneously Stating They Are Entitled To Discovery As A Motion For Summary Judgment Had Been Filed A Month Prior, Dated June 14, 2022.....27a
APPENDIX 7	NYSC Denies Plaintiff's OSC For Discovery Though It Was Just Granted To Tortfeasors, Dated August 9, 2022.....31a

APPENDIX 8	NYSC Aug 2 Oral argument is told Tortfeasors are concealing the Firm name, but does not ask for it.....35a
APPENDIX 9	1st Dept. Requests Tortfeasor Justin Rashbaum's Brief And Records On September 19, 2024 And Receive No Compliance .....38a
APPENDIX 10	1st Dept. Requests Tortfeasors Stein, Abrams and Jay Rashbaum's Brief And Records On September 19, 2024 And Receive No Compliance.....40a
APPENDIX 11	1st Dept. Requests Tortfeasor Justin Rashbaum's Brief And Records On February 21, 2024 And Receive No Compliance .....42a
APPENDIX 12	1st Dept. Requests Tortfeasors Stein, Abrams and Jay Rashbaum's Brief And Records On February 21, 2024 And Receive No Compliance.....44a
APPENDIX 13	Instead Of Filing The Brief And Records Requested By The Court, Tortfeasors File Contempt Charges Against Petitioner.....46a
APPENDIX 14	Tortfeasors 2 <sup>nd</sup> Contempt Charge and attempt to file Felony Usury Charges against Petitioner for what they

	consider remittance for a "loan" but Tortfeasors owe \$250. plus interest to Petitioner for an incomplete contract.....	53a
APPENDIX 15	1st Dept. Asks Petitioner A Year Later, To Alter Her Already Accepted Record And Brief To Include Minor Changes Like Titles On Resized Pages And When She Complies It Is Again Stricken At Tortfeasors' Request.....	58a
APPENDIX 16	1st Dept. Suborns Tortfeasors' Request That They Violate Petitioner's 14 <sup>th</sup> Amendment Rights To Present Evidence.....	62a
APPENDIX 17	New York Court Of Appeals Refers To Petitioner's Allegations Of Constitutional Issues Yet Still Dismisses The Case <i>Sua Sponte</i> ... 68a	
APPENDIX 18	NY Constitution - NYCOA Order Of Dismissal Refers To Statutes Such As Article VI § 3(b) That Do Not Bar Jurisdiction.....	72a
APPENDIX 19	Petitioner's Preliminary Statement Clearly States Constitutional Issues Numerous Times.....	74-111a

APPENDIX 19/20	1st Dept. Grants Tortfeasors Everything They Ask Including To Strike Petitioner's Proper And Timely Record And Brief.....102-105a
APPENDIX 21	Petitioner Made Appointment by phone describing her specifications to Tortfeasors.....112a
APPENDIX 22	Tortfeasors, in office, and by email rescinded their promise to produce SA per her specifications, Petitioner restated her specifications multiple times by email.....113a
APPENDIX 23	Petitioner paid for SA in full on July 14, 2021, at \$1050.00.....118a
APPENDIX 24	The SA was delivered only to an outside party and paid for by Petitioner (\$250.) .....120a
APPENDIX 25	Oct 18, 2021, Tortfeasors are reported by Petitioner to New York State Department of Health and the Office for their violations.....122a
APPENDIX 26	Tortfeasors breach fiduciary duty multiple times including several

	counts of fraud, and theft and conversion of the SA, for unknown reasons.....	126a
APPENDIX 27	NYSC is presented with evidence of 3 separate forgeries.....	131a
APPENDIX 28A-C	Tortfeasors forge Petitioners signature on 3 separate release forms. No copies were given to Petitioner and used to doxx her medical records.....	134a
APPENDIX 29A-E	Tortfeasors Taunt Petitioner to sue them in court after refusing a full refund or the SA.....	140a
APPENDIX 30	Petitioner Developed Hives for 6 months and finally sought then received treatment.....	153a
APPENDIX 31	Tortfeasors terminated Petitioner as a patient with an incomplete contract, and without cause.....	157a
APPENDIX 32	Tortfeasors refuse a refund without Petitioner signing her rights away with an NDA.....	160a
APPENDIX 33	Tortfeasors make false statement that Petitioner already received her SA.....	164a

APPENDIX 34	Tortfeasors make false statement she refused it for illegitimate reasons in her doxxed medical records.....166a
APPENDIX 35	First Dept. strikes Petitioner's Accepted Record & Brief (June 8- Docs. No. 23-25) at the behest of Defendant's Contradicting Court Rules. ....171a
APPENDIX 36	Note of Issue Still remains from Petitioner's Accepted Record & Brief (June 8) Stricken at the behest of Defendants Contradicting Court Rules.....175a
APPENDIX 37	NYSC Certification Desk Certificates Petitioner's Record June 1, 2023.....178a
APPENDIX 38	AIR granted to Tortfeasors Aug 4, 2023.....180a
APPENDIX 39	AIR requested by Tortfeasors January 30, 2024 to Adjourn from March to May 2024 Term.....184a
APPENDIX 40	Tortfeasors granted permission to file late opposition Feb 13, 2024.....190a

APPENDIX 41	First Dept. Continues to Uphold Violation of Petitioner's 14th Amendment Rights to Due Process .....	196a
APPENDIX 42	First Dept. is asked to settle the record and they refuse.....	201a
APPENDIX 43	First Dept. Continues to strike Petitioner's Record and Brief even after their recommended changes are made.....	205a
APPENDIX 44	Petitioner points out that her papers by law should not be stricken .....	209a
APPENDIX 45	Petitioner points out there were multiple motion sequence numbers misidentified as outside the scope of Motion sequence numbers 001-003 which the Court demanded.....	215a
APPENDIX 46	Petitioner points out the responsive connection between documents place them within the scope of Motion sequence numbers 001-003 which the Court demanded. And The Frivolous actions of Tortfeasors do not remove their guilt.....	220a

APPENDIX 47	OSC to accept Service Affidavits, Brief and Joint Record (Docs No. 185-189) deleted by First Dept. .....	224a
APPENDIX 48	Petitioner Timely Files Service affidavits for the Brief and Joint Record.....	228a
APPENDIX 49	Petitioner again points out the Seq. Nos. misidentified as outside 001-003 which the Court demanded.....	233a
APPENDIX 50	Tortfeasors granted (AIR) July 30 for Extension to October 2024 term .....	237a
APPENDIX 51	Tortfeasors filed (AIR) August 4, 2024, for extensions to the November term (NYSCEF Doc. No. 202 & 203). They are removed but granted anyway in Doc. No. 205 (App.2).....	241a
APPENDIX 52	Accepted Joint Record and Brief Entered April 30 2024 Amended June 20, 2024 (Docs. No 169 & 170).....	245a
APPENDIX 53	Accepted Joint Record Entered April 30 2024 Amended June 20,	

2024.....250a

APPENDIX Accepted Brief Entered April 30  
54 2024 Amended June 20, 202.....253a

**APPENDIX 1 - ORDER DISMISSING APPEAL  
BEFORE THE COURT OF APPEALS  
OF THE STATE OF NEW YORK,  
FILED DECEMBER 12, 2024**

STATE OF NEW YORK  
COURT OF APPEALS

No. APL-2024-00139

SSD47  
GINA ROBINSON,

*Appellant,*  
v.  
FASHION DISTRICT DENTAL, ET AL.,

*Respondents.*

Decided and Entered on the twelfth  
day of December, 2024

Cases: NYSCEF-153436/2022, NYSCEF-2022/05698

**BEFORE:** Hon. Rowan D. Wilson, Chief Judge,  
presiding.

**ORDER**

Appellant having appealed to the Court of Appeals in  
the above title; Upon the papers filed and due  
deliberation, it is

*Appendix 1*

**ORDERED**, that the appeal is dismissed without costs, by the Court *sua sponte*, upon the ground that it does not lie (see NY Const, art VI,§ 3 [b]; CPLR 5601).

**FOR THE COURT:**

/S/  
BY: Heather Davis/  
Clerk of the Court

**APPENDIX 2 - ORDER DISMISSING APPEAL  
BEFORE THE SUPREME COURT OF THE  
STATE OF NEW YORK APPELLATE DIVISION,  
FIRST JUDICIAL DEPARTMENT,  
FILED SEPTEMBER 26, 2024**

**SUPREME COURT OF THE STATE OF NEW YORK  
APPELLATE DIVISION, FIRST  
JUDICIAL DEPARTMENT**

No. 2022-05698

GINA ROBINSON,

*Appellant,*  
v.  
FASHION DISTRICT DENTAL, ET AL.,

*Respondents.*

Filed On: September 26, 2024

Cases: NYSCEF-153436/2022, NYSCEF-2022/05698

**BEFORE:** Anil C. Singh, Justice Presiding,  
Lizbeth González  
Tanya R. Kennedy  
Julio Rodriguez III  
Bahaati E. Pitt-Burke,

---

Gina Robinson,

Motion Nos. 2024-03457

*Appendix 2*

Plaintiff-Appellant-Respondent,	2024-03501
	2024-03730
Index No.	153436/22
Case No.	2022-05698

-against-

Fashion District Dental, et al., Defendants-  
Respondents,

Dr. David Stein, DMD, and Dr. Jay  
Rashbaum, DMD,  
Defendants-Respondents-Appellants.

---

An appeal and cross-appeal having been taken  
to this Court from an order of the Supreme Court,  
New York County, entered on or about December 12,  
2022, and the appeal having been perfected,

And plaintiff-appellant, pro se, having moved  
for an order accepting filing of plaintiff's affidavits of  
service of the joint record on appeal and appellant's  
brief (Motion No. 2024-03457),

And defendants-respondents Dr. Justin  
Rashbaum, D.M.D., individually and doing business  
as Fashion District Dental having moved to strike the  
joint record on appeal and brief filed by plaintiff-  
appellant and to dismiss plaintiff's appeal (Motion No.  
2024-03501),

*Appendix 2*

And defendants-respondents-appellant having moved separately to strike plaintiff-appellant's joint record on appeal and brief and to dismiss plaintiff's appeal (Motion No. 2024-03730),

Now, upon reading and filing the papers with respect to the motions, and due deliberation having been had thereon,

Case No. 2022-05698 -2- Motion Nos. 2024-03457  
2024-03501  
2024-03730

It is ordered that plaintiff's motion to accept filing of the affidavits of service is denied (Motion No. 2024-03457), and

It is further ordered that the motions by defendants-respondents and defendants-respondents-appellants are granted to the extent of striking the amended record and brief filed by plaintiff-appellant on June 20, 2024, and dismissing plaintiff's appeal; *sua sponte*, the time to perfect defendants-respondents-appellants' cross appeal, now designated the direct appeal, is extended to the February 2025 Term of this Court (Motion No. 2024-03501 and Motion No. 2024-03730).

*Appendix 2*

ENTERED: September 26, 2024

/S/

BY: Susanna Molina Rojas/  
Clerk of the Court

**APPENDIX 3 – SUMMARY STATEMENT ON  
APPLICATION FOR EXPEDITED SERVICE  
AND/OR INTERIM RELIEF FOR THE  
APPELLATE DIVISION, FIRST DEPARTMENT  
FILED DECEMBER 19, 2022**

**SUPREME COURT OF THE STATE OF NEW YORK  
APPELLATE DIVISION, FIRST  
JUDICIAL DEPARTMENT**

No. 2022 - 05698

GINA ROBINSON,

*Appellant,*  
V.

FASHION DISTRICT DENTAL, ET AL.,

*Respondents.*

Filed On: December 19, 2022

Cases: NYSCEF-153436/2022, NYSCEF-2022/05698

**BEFORE:** Lizbeth González, Justice Presiding,

Date: December 19, 2022 Case # 153436/2022

Index/Indict/Docket# \_\_\_\_\_

### Appendix 3

Title Gina Robinson v. Fashion District Dental et al.  
of  
Matter Appeal from order dated 12/9/2022 requiring  
Plaintiff-Appellant designate alternate  
orthodontist to fitting device

Appeal by Order(x) Supreme(x) County New York  
Plaintiff from Judgment(.) of Surrogate's( )  
Decree( ) Family( ) Court entered on 12/9, 2022

Name of Notice of Appeal  
Judge · Hon. Lynn R. Kotler filed on -12/19, 2022

If from administrative determination, state agency

Nature of Tortious breach of contract, theft, forgery, fraud, Hipaa violations, breach of fiduciary proceeding duties resulting in Defendants' demand for above designation by Plaintiff.

### Provisions of (X) order

( ) Judgment appealed from All  
( ) decree provisions in the order to  
include the designation of the alternate orthodontist  
fitting the device.

This application by appellant is for An order that  
respondent Defendants release  
the device, as pictured Aug 3rd, 2021, immediately  
via USPS with tracking or via messenger. Or Stay the

## Appendix 3

proceedings in the trial court pending the outcome of the Appeal. If applying for a stay, state reason why requested Plaintiff has attempted multiple times to comply with the order to designate an alternate orthodontist but the prevailing practice is for those in that field to prohibit transferred devices for liability involving materials and craftsmanship.

Has any undertaking been posted \_\_\_\_ If "yes", state amount and type \_\_\_\_\_

Has application been made to court below for this relief No If "yes", state Disposition \_\_\_\_\_  
Has there been any prior Application here in this court If yes", state dates and nature 2/22/2019  
Yes \_\_\_\_\_

Has adversary been advised of this application Yes Does he/she . consent Unknown \_\_\_\_\_

<u>Attorney for Movant</u>	<u>Attorney for Opposition</u>
Name <u>Gina Robinson</u>	Mr. Dennis M. Rothman
Address <u>200 West 80th</u>	Street <u>LESTER SCHWAB</u>
<u>5N</u>	<u>KATZ &amp; DWYER, LLP</u>
<u>New York, NY 10024</u>	Appearing by _____
<u>Tel. No. 646-266-1142</u>	<u>100 Wall Street</u>
<u>Email ginarobinson2018</u>	New York, NY 10005
<u>@gmail.com</u>	<u>212 964-6611</u>

*Appendix 3*

Mr. Henry Schwartz, Esq  
LAW OFFICES OF  
HENRY SCHWARTZ  
32 Court Street, Suite 908  
Brooklyn, New York  
11201, (718) 222-3118

DISPOSITION

Application granted only to the extent of staying (1) the 30-day window within which plaintiff is to find an orthodontist to install the spring aligner /retainer and (2) defendants from destroying or otherwise disposing of plaintiffs spring aligner/ retainer pending the determination of plaintiffs motion, and otherwise denied without prejudice to consideration of plaintiffs motion by a full bench.

/s/ LG  
Justice (LG)

December 20, 2022  
Date

**Motion Date** 01/30/2023   **Opposition** 01/13/2023  
**Reply** 01/27/2023  
EXPEDITE Yes   PHONE ATTORNEYS Yes  
DECISION BY \_\_\_\_\_  
ALL PAPERS TO BE SERVED PERSONALLY  
electronically/via NYSCEF        ARG  
Court Attorney  
No appearances had on interim application.

APPENDIX 4A - ORDER BEFORE THE  
SUPREME COURT OF THE STATE OF NEW  
YORK, NEW YORK COUNTY,  
FILED DECEMBER 9, 2022

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

No. 153436/2022

GINA ROBINSON,

*Appellant,*  
V.

FASHION DISTRICT DENTAL, ET AL.,

*Respondents.*

Filed On: December 9, 2022

BEFORE: HON.L YNN R. KOTLER, J.S.C., Justice  
Presiding,

PRESENT:

HON.L YNN R. KOTLER, J.S.C.

Gina Robinson

v-

PART 8

INDEX NO:

153436-2022

MOT. DATE

MOT. SEQ. -

NO. 1-3

Fashion District Dental et al

*Appendix 4A*

The following papers were read on this motion to/for  
Notice of Motion/Petition/O.S.C. - Affidavits - Exhibits  
ECFS DOC No(s). \_\_

Notice of Cross-Motion/Answering Affidavits-Exhibits  
ECFS DOC No(s). \_\_

Replying Affidavits ECFS DOC No(s). \_\_

The parties in this action are plaintiff Gina Robinson, pro se, and defendants Fashion District Dental, Dr. Justin Rashbaum, DMD, Dr. David Stein, DMD, Dr. Jay Rashbaum, DMD and Dr. Michael Abrams, DDS. The individual defendants have answered the complaint. There are three motion sequences pending which are hereby consolidated for the court's consideration and disposition in this single decision/ order. In motion sequence 1, plaintiff pro se moves for "summary judgment on all 34 of their causes of action and entering a money judgment of no less than \$64,000.00 plus Court fees, expenses, pre and post-judgment interest... " Motion sequences 2 and 3 are also brought by plaintiff and seeks the same relief, with sequence 3 seeking such relief on default. Defendant Justin Rashbaum, D.M.D. opposes motion sequence 3 (NYSCEF Doc 89) and cross-moves to dismiss and for sanctions (NYSCEF Doc 90 -104). Defendants David Stein, D.M.D., Jay Rashbaum, D.M.D. and Michael Abrams, D.D.S. also cross-move to dismiss and/or for summary judgment (NYSCEF Doc. 121-136).

**13a**

*Appendix 4A*

The parties appeared for oral argument on August 2, 2022, at which time all sides were heard on the motions and cross-motions. A transcript of the oral argument is filed as NYSCEF Doc. 173.

In an 86-page complaint, plaintiff is suing the defendants "for damages and specific performance arising from an array of civil violations, breach of contract and crimes, regarding the fabrication and delivery of dental Spring Aligner (SA) or Retainer". Plaintiff alleges that the defendants promised to fabricate the SA, breached their agreement to do so and instead advised that the retainer would be stationary instead, and on "August 13, 2021, after a lengthy debate, Defendants terminated services with Plaintiff and refused her a refund of the contract she paid for in full." Plaintiff has asserted 34 causes of action against the defendants. As defense counsel explained during oral argument, defendants would only give the retainer to another orthodontist to ensure that the retainer fit plaintiff's mouth properly and avoid further litigation (NYSCEF Doc. 173, p.11). Plaintiff admits in her complaint that the defendants

s/ LK

Dated: 12/8/22 HON. LYNN"R KOTLER, J.S.C.

1. Check one:  CASE DISPOSED DISPOSITION  
 NON-FINAL DISPOSITION
2. Check as appropriate: Motion is  
 GRANTED  DENIED  GRANTED IN PART

*Appendix 4A*

3. Check if appropriate:

[ ] SETTLE ORDER [ ] SUBMIT ORDER [ ] DO  
NOT POST  
[ ] FIDUCIARY APPOINTMENT [ ] REFERENCE

APPENDIX 4B - ORDER BEFORE THE  
SUPREME COURT OF THE STATE OF NEW  
YORK, NEW YORK COUNTY,  
FILED DECEMBER 9, 2022

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

No. 153436/2022

GINA ROBINSON,

*Appellant,*  
V.

FASHION DISTRICT DENTAL, ET AL.,

*Respondents.*

Filed On: December 9, 2022

BEFORE: HON. LYNN R. KOTLER, J.S.C., Justice  
Presiding,

offered her a refund for the price of the SA, which was  
\$450, but complains that this amount was less than  
the \$1,050 which plaintiff paid. Defendants explain  
that the difference covers services that were provided  
to plaintiff. In addition, defendant Abrams asserts  
that he is not a proper party to this case as he has  
no affiliation with the Fashion District Dental, did not

*Appendix 4B*

treat plaintiff and did not assist the codefendants in their treatment of plaintiff or fabrication of the retainer.

The court will first consider the parties' motions for summary judgment. On a motion for summary judgment, the proponent bears the initial burden of setting forth evidentiary facts to prove a *prima facie* case that would entitle it to judgment in its favor, without the need for a trial (CPLR 3212; *Winegrad v. NYU Medical Center*, 64 NY2d 851 [1985]; *Zuckerman v. City of New York*, 49 NY2d 557, 562 [1980]). If the proponent fails to make out its *prima facie* case for summary judgment, however, then its motion must be denied, regardless of the sufficiency of the opposing papers (*Alvarez v. Prospect Hospital*, 68 NY2d 320 [1986]; *Ayotte v. Gervasio*, 81 NY2d 1062 [1993]).

Granting a motion for summary judgment is the functional equivalent of a trial, therefore it is a drastic remedy that should not be granted where there is any doubt as to the existence of a triable issue (*Rotuba Extruders v. Ceppos*, 46 NY2d 223 [1977]). The court's function on these motions is limited to "issue finding," not "issue determination" (*Sillman v. Twentieth Century Fox Film*, 3 NY2d 395 [1957]).

Plaintiff has asserted numerous causes of action, the bulk of which are meritless. At the outset, defendant

*Appendix 4B*

Abrams has established prima facie entitlement to summary judgment as he was not personally involved with the underlying transaction at issue. Since plaintiff has failed to raise a triable issue of fact on this point, Abrams' cross-motion for summary judgment dismissing plaintiff's complaint against him is granted and the respected portions of plaintiff's motions against Abrams are denied.

Otherwise, Plaintiff has failed to allege the elements of conversion because defendants have agreed to transfer the retainer to any orthodontist that plaintiff designates so that the retainer can be properly fitted. The court does not find defendants' stipulation that the retainer not be delivered to plaintiff herself tantamount to an improper interference with plaintiff's right to possession. This is a professional fabricated device which must be custom fit and defendants may rightfully refuse to transfer it directly to plaintiff. Plaintiff's only potentially availing claim sounds in breach of contract, the terms of which she has failed to establish. The remaining causes of action are improperly duplicative of her breach of contract claim. The court will therefore grant plaintiff 30 days to designate an orthodontist to which defendants shall

transfer the retainer to. Plaintiff's failure to so designate within the time provided herein shall be deemed an abandonment of the retainer. The court will not award plaintiff reimbursement for the

*Appendix 4B*

retainer since it was fabricated at plaintiff's request. As for the remaining \$600 which plaintiff paid to defendants, there is no dispute on this record that this amount was paid for services which defendants already rendered. Therefore, plaintiff is not entitled to same, either.

Accordingly, plaintiff's motion for summary judgment is granted as to the third cause of action for breach of contract only to the extent that within 30 days from the date of service of this order with notice of entry, plaintiff shall designate in writing the name of an orthodontist licensed in New York and deliver such designation to counsel for the defendants Dr. Justin Rashbaum, DMD, Dr. David Stein, DMD, Dr. Jay Rashbaum, DMD and upon such designation, said defendants shall deliver the retainer to the orthodontist selected by plaintiff. The balance of plaintiff's motions for summary judgment is denied and the cross-motion by defendants Dr. Justin Rashbaum, DMD, Dr. David Stein, DMD, Dr. Jay Rashbaum, DMD is granted to the extent that all but plaintiff's third cause of action is severed and dismissed.

Plaintiff has moved for a default judgment against the defendants. All but Fashion District Dental have answered the complaint. Therefore, plaintiff may only obtain a judgment by default against Fashion District Dental, which she has

*Appendix 4B*

otherwise established was properly served with a copy of the summons and compliant and has failed to timely appear in this action or obtain an order from the court extending its time to do so. While a default in answering the complaint constitutes an admission of the factual allegations and the reasonable inferences which may be made therefrom (*Rokina Optical Co., Inc. v. Camera King, Inc.*, 63 NY2d 728 [1984]), plaintiff is entitled to default judgment in its favor,

APPENDIX 4C - ORDER BEFORE THE  
SUPREME COURT OF THE STATE OF NEW  
YORK, NEW YORK COUNTY,  
FILED DECEMBER 9, 2022

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

No. 153436/2022

GINA ROBINSON,

*Appellant,*  
V.

FASHION DISTRICT DENTAL, ET AL.,

*Respondents.*

Filed On: December 9, 2022

BEFORE: HON. L YNN R. KOTLER, J.S.C., Justice  
Presiding,

provided it otherwise demonstrates that it has a prima facie cause of action (*Gagen v. Kipany Productions Ltd.*, 289 AD2d 844 [3d Dept 2001]). For the reasons already stated herein, only plaintiff's third cause of action has merit, and to the extent that she seeks the same relief against the individual defendants as Fashion District Dental, her motion for a default judgment is granted in a manner consistent with the relief accorded to plaintiff against defendants

*Appendix 4C*

Dr. Justin Rashbaum, DMD, Dr. David Stein, DMD,  
Dr. Jay Rashbaum, DMD.

Defendants' request for sanctions is denied, since this action arose from a legitimate dispute and despite the voluminous nature of the papers filed in this action which is disproportionate to the nature of the parties' dispute, the court does not find plaintiff's actions frivolous at this juncture. This determination, however, does not preclude the defendants from requesting sanctions on a future date in the event plaintiff does in fact engage in frivolous action or motion practice within the meaning of the court rules.

Accordingly, it is hereby

ORDERED that motion sequence numbers 1 , 2 and 3 are granted to the extent that plaintiff is entitled to summary judgment against defendants Dr. Justin Rashbaum, DMD, Dr. David Stein, DMD, Dr. Jay Rashbaum, DMD on her third cause of action for breach of contract and a default judgment against Fashion District Dental on her third cause of action; and it is further.

ORDERED that within 30 days from the date of service of this order with notice of entry, plaintiff shall designate in writing the name of an orthodontist licensed in New York and deliver such designation to Fashion District Dental and counsel for the

*Appendix 4C*

defendants Dr. Justin Rashbaum, DMD, Dr. David Stein, DMD, Dr. Jay Rashbaum, DMD and upon such designation, said defendants shall deliver to the retainer to the orthodontist selected by plaintiff; and it is further

ORDERED that the balance of plaintiff's motions for summary judgment is denied; and it is further

ORDERED that the cross-motion by defendant Dr. Michael Abrams, DDS is granted and plaintiff's claims against defendant Dr. Michael Abrams, DDS are severed and dismissed; and it is further

ORDERED that the cross-motion by defendants Dr. Justin Rashbaum, DMD, Or. David Stein, DMO, Or. Jay Rashbaum, DMO is granted to the extent that all but plaintiff's third cause of action is severed and dismissed.

Any requested relief not expressly addressed herein has nonetheless been considered and is hereby expressly rejected and this constitutes the decision and order of the court.

Dated: 12/8/22  
New York, New York

So Ordered:

s/ LK  
Hon. Lynn R. Kotler, J.S.C.

**APPENDIX 5 – DENIED - PETITIONER'S OSC  
TO QUASH TORTFEASORS' ADJOURNMENT  
BEFORE THE SUPREME COURT OF THE  
STATE OF NEW YORK, NEW YORK COUNTY,  
FILED JUNE 8, 2022**

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

No. 153436/2022

GINA ROBINSON,

*Appellant,*  
V.

FASHION DISTRICT DENTAL, ET AL.,

*Respondents.*

Filed On: June 8, 2022

**BEFORE: HON. LYNN R. KOTLER, J.S.C., Justice  
Presiding,**

TRIAL COURT DENIES PLAINTIFF'S OSC TO  
QUASH DEFENDANT'S ADJOURNMENT  
STATING REFEREE HAS ADDRESSED ISSUES,  
DATED JUNE 8, 2022 [712-713]

*Appendix 5*

At a Term of the Supreme Court of the State of New York held in and for the County of New York at the Court House thereof, located at ~~60~~ *80 Centre* Street New York, NY 10007 *13* on the \_\_\_\_\_ day of \_\_\_\_\_, 20 22

PRESENT:

Hon. Lynn R. Kotler  
Justice of the Supreme Court

COUNTY OF NEW YORK  
SUPREME COURT OF THE STATE OF NEW YORK  
-----X  
GINA ROBINSON,

Plaintiff, Index No: 153436/2022  
-against-

FASHION DISTRICT DENTAL;  
DR. JUSTIN RASHBAUM, DMD;  
DR. DAVID STEIN, DMD;  
DR. JAY RASHBAUM, DMD;  
DR. MICHAEL ABRAMS, D.D.S.,

Defendants,

ORDER TO  
SHOW CAUSE  
TO QUASH  
DEFENDANTS  
ADJOURN-  
MENTS OF  
BOTH  
DEFAULT  
JUDGMENT  
AND SUMM-  
ARY JUDGMENT

*Appendix 5*

***MS # 4: INJUNCTION  
RESTRAINING  
ORDER***

Upon reading and filing the affidavit of Plaintiff, Gina Robinson, sworn to on June 3, 2022, a copy of supporting documents, as well as, documentation that opposing counsel was notified that such an Order would be sought, and the exhibits thereto, in Support of Petitioner's Order to Show Cause to quash Defendants adjournments, and no previous application having been made for the relief requested herein Pursuant to CPLR 2214 (d),~~It is hereby,~~

**ORDERED LET** Defendants, *or counsel*, show cause before a Term of this Court to be held at the Courthouse located ~~60 Center~~ *80 Centre* Street, New York, NY on \_\_\_\_\_, 20~~22~~ *22* at \_\_\_\_\_ o'clock in the \_\_\_\_\_ or as soon as the parties to this proceeding may be heard, why an order should not be issued, providing the following relief:

Quash both of Defendants adjournments of two separate motions. Plaintiffs Motion for Default, dated May 18, 2022, with a return date of May 25th, and Plaintiff's Motion for Summary Judgment, dated May 13, 2022, with a return date of June 2, 2022.

and such other and further relief as may to the court seem just and proper, for the reasons that: They

*Appendix 5*

were both sufficient and should be adjudicated promptly; Defendants offered no valid reason for the adjournments: the Defendants did not follow the proper procedure for requesting the adjournments; the referee offered no reasons the adjournments were granted; and the referee did not clearly state what adjournments corresponded to what motions.

*ORDERED THAT*, Sufficient cause appearing therefor, let service of a copy of this order, and the other papers upon which this order is granted upon all Defendants by mail on or before the day of, 2022 *SHALL* be deemed good and sufficient. An affidavit or other proof of service shall be presented to this Court on the return date directed in the second paragraph of this order.

ENTER:

XXX

J.S.C.

The court declines to sign this order to show cause as it lacks merit.

Issues regarding submission of the motions that are the subject of this proposed order to show cause were properly addressed by the Referee in the Motion Submissions Part.

SO ORDERED:

s/ LK J.S.C.

HOT.LYNNR. KÓTLER J.S.C. Dated 6/8/22

**APPENDIX 6 – DENIED - PETITIONER'S OSC  
TO QUASH TORTFEASORS' DEMAND FOR  
DISCOVERY BEFORE THE SUPREME COURT  
OF THE STATE OF NEW YORK,  
NEW YORK COUNTY,  
FILED JUNE 14, 2022**

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

No. 153436/2022

GINA ROBINSON,

*Appellant,*  
v.

**FASHION DISTRICT DENTAL, ET AL.,**

*Respondents.*

Filed On: June 14, 2022

**BEFORE:** HON. L YNN R. KOTLER, J.S.C., Justice  
Presiding,

At a Term of the Supreme Court of the  
State of New York held in and for the  
County of New York at the Court House  
thereof, located at ~~60~~ *Centre* 80 *Centre*  
Street New York, NY 10007 13 on the  
\_\_\_\_ day of \_\_\_\_\_, 20 22

*Appendix 6*

PRESENT:

Hon. Lynn R. Kotler  
Justice of the Supreme Court

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

-----X

GINA ROBINSON,

Plaintiff, Index No: 153436/2022  
-against-

FASHION DISTRICT DENTAL;	<u>ORDER TO</u>
DR. JUSTIN RASHBAUM, DMD;	<u>SHOW CAUSE</u>
DR. DAVID STEIN, DMD;	TO QUASH
DR. JAY RASHBAUM, DMD;	DEFENDANTS
DR. MICHAEL ABRAMS, D.D.S.,	DEMANDS FOR
	ORAL EXAM-
Defendants,	INATIONS

*MS #5: OTHER -  
QUASH*

Upon reading and filing the affidavit of Plaintiff, Gina Robinson, sworn to on June 14, 13, 2022, a copy of supporting documents, as well as, documentation that opposing counsel was notified that such an Order would be sought, and the exhibits thereto, in Support of Petitioner's Order to Show Cause to quash Defendants adjournments, and no previous application having been made for the relief

*Appendix 6*

requested herein Pursuant to CPLR 2214 (d).

Let Defendants, or counsel, show cause before a Term of this Court to be held at the Courthouse located at 80 ~~Center~~ CENTRE Street, New York, NY on \_\_\_\_\_ 20 22 at \_\_\_\_\_ o'clock in the or as soon as the parties to this proceeding may be heard, why an order should not be issued, providing the following relief:

Quash all four of Defendants demands for oral examinations currently scheduled for July 11, 12, and 13, 2022, and October 12, 2022.

and such other and further relief as may to the court seem just and proper, for the reasons that:

Based on the astonishing record of the evidence, there is no new information that will change the overwhelming facts in this case. Defendants committed egregious violations against Plaintiff as well as the State of New York, including theft, forgery, doxing a patients medical records to two banks, refusal to allow an amended record, and lying to those banks about their theft of the Plaintiffs rightfully owned merchandise. Plaintiff was not culpable in any manner in the outcome of these events. There is a contemporaneous written transcript detailing the events clearly laid out in emails and exhibits which defendants have had since April. Defendants demand

*Appendix 6*

four separate oral examinations across four separate days and across four months. There is nothing to question the Plaintiff about concerning the facts of the case and it is scheduled for after the response (the brief) is due for summary judgment. This demand is dilatory, a form of harassment in an attempt to intimidate the Plaintiff and abuse of judicial process.

ORDERED that, sufficient cause appearing therefor, service of a copy of this order, and the other papers upon which this order is granted upon all Defendants by mail on or before the \_\_\_ day of \_\_\_, 20\_\_\_ shall be deemed good and sufficient. An affidavit or other proof of service shall be presented to this Court on the return date directed in the second paragraph of this order.

ENTER:

---

J.S.C.

*Decline to sign this order  
To show cause  
As it lacks merit  
Parties are entitled to conduct  
Discovery.  
So ORDERED*

*LK*  
JSC 6/14/22

HON. LYNN R KOTLER

**APPENDIX 7 - DENIED - PETITIONER'S OSC  
REQUESTING DISCOVERY BEFORE THE  
SUPREME COURT OF THE STATE OF NEW  
YORK, NEW YORK COUNTY,  
FILED AUGUST 9, 2022**

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

No. 153436/2022

GINA ROBINSON,

*Appellant,*  
V.

**FASHION DISTRICT DENTAL, ET AL.,**

*Respondents.*

Filed On: August 9, 2022

**BEFORE: HON. LYNN R. KOTLER, J.S.C., Justice  
Presiding,**

At a Term of the Supreme Court of the  
State of New York held in and for the  
County of New York at the Court House  
thereof, located at 80 Centre Street New  
York, NY 10013 on the

\_\_\_\_ day of \_\_\_\_\_, 20 22

*Appendix 7*

PRESENT:

Hon. Lynn R. Kotler  
Justice of the Supreme Court

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

-----X

GINA ROBINSON,

Plaintiff, Index No: 153436/2022

-against-

FASHION DISTRICT DENTAL;  
DR. JUSTIN RASHBAUM, DMD;  
DR. DAVID STEIN, DMD;  
DR. JAY RASHBAUM, DMD;  
DR. MICHAEL ABRAMS, D.D.S.,

Defendants,

ORDER TO  
SHOW CAUSE  
TO COMPEL  
DEFENDANTS'  
COMPLIANCE  
WITH  
PLAINTIFF'S  
DEMAND FOR  
BILL OF  
PARTICULARS

Upon reading and filing the affidavit of Plaintiff, Gina Robinson, sworn to on July 29, 2022, a copy of supporting documents, as well as, documentation that opposing counsel was notified that such an Order would be sought, and the exhibits thereto, in Support of Petitioner's Order to Show Cause to quash Defendants adjournments, and no previous application having been

*Appendix 7*

made for the relief requested herein Pursuant to CPLR  
§ R3042.

Let Defendants, or counsel, show cause before a Term of this Court to be held at the Courthouse located at 80 Centre Street, New York, NY on \_\_\_\_ 20 22 at o'clock in the \_\_\_\_ or as soon as the parties to this proceeding may be heard, why an order should not be issued, providing the following relief:

Compel Defendants to comply with Plaintiffs demand for her Bill of Particulars filed June 28, 2022 with a return date of July 18, 2022, and Pursuant.

and such other and further relief as may to the court seem just and proper, for the reasons that:

Plaintiff filed a demand for Bill of Particulars from Defendants on June 28, 2022. The return date for this response was July 18, 2022. Defendants did not answer the Bill of Particulars until after Plaintiff pointed out in her reply papers to Defendants cross motion, filed July 25th, that Defendants had not complied with her bill of Particulars. Defendants have filed for sanctions against Plaintiff for "frivolous and vexatious conduct" related to her motion for Default judgment filed on May 18, 2022, claiming that Plaintiff sought a default judgment against the wrong firm name, but Defendants are actively concealing the

*Appendix 7*

rightful firm name so that Plaintiff cannot seek default against it. Plaintiff complied with Defendants demand for a Bill of Particulars on May 31<sup>st</sup>, 2022 and provided adequate answers. Please note that oral arguments are already scheduled for August 2, this would be an ideal time to discuss this matter.

ORDERED that, sufficient cause appearing therefor, service of a copy of this order, and the other papers upon which this order is granted upon all Defendants by mail on or before the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ shall be deemed good and sufficient. An affidavit or other proof of service shall be presented to this Court on the return date directed in the second paragraph of this order.

ENTER

---

J.S.C.

*Decline to Sign. Application Lacks Merit.*

LK  
HON. LYNN R KOTLER  
8/9/2022

APPENDIX 8 – TRANSCRIPT OF ORAL  
ARGUMENTS DATED AUGUST 2, 2022 BEFORE  
THE SUPREME COURT OF THE STATE OF  
NEW YORK, NEW YORK COUNTY,  
FILED SEPTEMBER 2, 2022

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK: CIVIL TERM : PART 8

No. 153436/2022

GINA ROBINSON,

*Plaintiff,*  
V.

FASHION DISTRICT DENTAL; DR. JUSTIN  
RASHBAUM, DMD; DR. DAVID STEIN, DMD;  
DR. JAY RASHBAUM, DMD; DR. MICHAEL  
ABRAMS, DDS,

*Defendants.*

Filed On: September 2, 2022

BEFORE: (Via Microsoft Teams)  
HON.L YNN R. KOTLER, J.S.C.,  
Justice Presiding,

A P P E A R A N C E S: (Via Microsoft Teams)

GINA ROBINSON  
Plaintiff Pro Sé

*Appendix 8*

200 West 80th Street  
New York, New York 10024  
LESTER, SCHWAB, KATZ & DWYER, LLP  
Attorneys for Defendant  
Fashion District Dental and  
Justin Rashbaum, DMD  
100 Wall Street  
New York, New York 10005  
BY: DENNIS ROTHMAN, ESQ.  
(Continued on the next page.)

LAURA L. LUDOVICO  
SENIOR COURT REPORTER

1 of 25

*== excerpt ==*

Page 6

Proceedings

1. motions.
2. Okay. Go ahead, Ms. Robinson.
3. MS. ROBINSON: Sure. Are you able to hear me
4. clearly?
5. THE COURT: Now I can.
6. MS. ROBINSON: Okay, great.
7. Well, this is a civil case. It basically
8. involves fraud and at this point theft of my device  
that I

*Appendix 8*

9. paid for. I have two motions that are pending; one is for
10. summary judgment and the other one is for default against
11. the firm because the firm never answered. I don't have a
12. name for the firm. I do believe that defendants are
13. keeping that to themselves. They're concealing the firm
14. name because I guess they don't want it to be defaulted
15. against, I'm not sure.
16. And the other motion is for the Order to Show
17. Cause to compel them to comply with my demand for the Bill
18. of Particulars in which I ask them to give me the name of
19. the firm.
20. THE COURT: All right. That's not today.
21. MS. ROBINSON: Sure.
22. THE COURT: Okay. What else do you want to tell
23. me about your three motions that you filed, the ones for
24. summary judgment? Tell me about those.
25. MS. ROBINSON: The summary judgment is – I filed

Laura L. Ludovico, SCR

**APPENDIX 9 – EMAIL: FIRST DEPT.  
REQUESTS TORTFEASOR JUSTIN  
RASHBAUM'S BRIEF & RECORD BEFORE THE  
SUPREME COURT OF THE STATE OF NEW  
YORK APPELLATE DIVISION, FIRST  
JUDICIAL DEPARTMENT,  
DATED SEPTEMBER 19, 2024**

**SUPREME COURT OF THE STATE OF NEW YORK  
APPELLATE DIVISION, FIRST  
JUDICIAL DEPARTMENT**

DIANNE T. RENWICK      DOUGLAS C. SULLIVAN  
Presiding Justice      Deputy Clerk of The Court

SUSANNA MOLINA      VICTORIA L. CHOY  
ROJAS      Deputy Clerk of The Court  
Clerk of The Court

September 19, 2024

Dennis Michael Rothman  
Lester Schwab Katz & Dwyer, LLP  
100 Wall St  
New York, NY10005-3701

Re: Robinson v Fashion District Dental  
Lower Court No. 153436/2022  
Appellate Division Case No. 2022-05698

*Appendix 9*

Dear Sir/Madam:

Our records indicate that you represent respondent(s) Fashion District Dental, Justin Rashbaum in the above matter. This matter is currently on the Court's calendar for the November 2024 term.

A brief must be filed on your client's behalf by October 2, 2024. If you do not intend to file a brief, please submit a letter notifying the court by this date.

If you do not file a respondent's brief by this date, the Court will decide the matter without considering any points that may have been raised on your client's behalf.

Please note that if you fail to notify the Court without good cause that a matter should not be calendared for any reason, you may be subject to sanctions pursuant to 22 NYCRR§1250.2.(c).

For additional information, please call the calendar clerk at 212-340-0422.

Yours Truly,  
Maria L. DeLeon  
Calendar Clerk

27 Madison Avenue New York, NY10010-2201  
Tel: (212) 340 0400 Internet: Nycourts.Gov/Courts/Adt/

APPENDIX 10 – EMAIL: FIRST DEPT.  
REQUESTS TORTFEASORS STEIN,  
ABRAMS AND JAY RASHBAUM'S BRIEF &  
RECORD BEFORE THE SUPREME COURT OF  
THE STATE OF NEW YORK APPELLATE  
DIVISION, FIRST JUDICIAL DEPARTMENT,  
DATED SEPTEMBER 19, 2024

SUPREME COURT OF THE STATE OF NEW YORK  
APPELLATE DIVISION, FIRST  
JUDICIAL DEPARTMENT

DIANNE T. RENWICK      DOUGLAS C. SULLIVAN  
Presiding Justice      Deputy Clerk of The Court

SUSANNA MOLINA VICTORIA L. CHOY  
ROJAS Deputy Clerk of The Court  
Clerk of The Court

September 19, 2024

John Patrick Anderson  
Law Offices of Henry Schwartz  
32 Court St Ste 908  
Brooklyn, NY 11201-4404

Re: Robinson v Fashion District Dental  
Lower Court No. 153436/2022  
Appellate Division Case No. 2022-05698

*Appendix 10*

Dear Sir/Madam:

Our records indicate that you represent respondent(s) Fashion District Dental, Justin Rashbaum in the above matter. This matter is currently on the Court's calendar for the November 2024 term.

A brief must be filed on your client's behalf by October 2, 2024. If you do not intend to file a brief, please submit a letter notifying the court by this date.

If you do not file a respondent's brief by this date, the Court will decide the matter without considering any points that may have been raised on your client's behalf.

Please note that if you fail to notify the Court without good cause that a matter should not be calendared for any reason, you may be subject to sanctions pursuant to 22 NYCRR§1250.2.(c).

For additional information, please call the calendar clerk at 212-340-0422.

Yours Truly,  
Maria L. DeLeon  
Calendar Clerk

27 Madison Avenue New York, NY10010-2201  
Tel: (212) 340 0400 Internet: Nycourts.Gov/Courts/Adt/

**APPENDIX 11 – EMAIL: FIRST DEPT.  
REQUESTS TORTFEASOR JUSTIN  
RASHBAUM'S BRIEF & RECORD BEFORE THE  
SUPREME COURT OF THE STATE OF NEW  
YORK APPELLATE DIVISION, FIRST  
JUDICIAL DEPARTMENT,  
DATED FEBRUARY 21, 2024**

**SUPREME COURT OF THE STATE OF NEW YORK  
APPELLATE DIVISION, FIRST  
JUDICIAL DEPARTMENT**

**DIANNE T. RENWICK**  
Presiding Justice

**DOUGLAS C. SULLIVAN**  
Deputy Clerk of The Court

**SUSANNA MOLINA  
ROJAS**  
Clerk of The Court

**VICTORIA L. CHOY**  
Deputy Clerk of The Court

February 21, 2024

Dennis Michael Rothman  
Lester Schwab Katz & Dwyer, LLP  
100 Wall St  
New York, NY10005-3701

Re: Robinson v Fashion District Dental  
Lower Court No. 153436/2022  
Appellate Division Case No. 2022-05698

*Appendix 11*

Dear Sir/Madam:

Our records indicate that you represent respondent(s) Fashion District Dental, Justin Rashbaum in the above matter. This matter is currently on the Court's calendar for the November 2024 term.

A brief must be filed on your client's behalf by October 2, 2024. If you do not intend to file a brief, please submit a letter notifying the court by this date.

If you do not file a respondent's brief by this date, the Court will decide the matter without considering any points that may have been raised on your client's behalf.

Please note that if you fail to notify the Court without good cause that a matter should not be calendared for any reason, you may be subject to sanctions pursuant to 22 NYCRR§1250.2.(c).

For additional information, please call the calendar clerk at 212-340-0422.

Yours Truly,  
Maria L. DeLeon  
Calendar Clerk

27 Madison Avenue New York, NY10010-2201  
Tel: (212) 340 0400 Internet: Nycourts.Gov/Courts/Adt/

APPENDIX 12 - EMAIL: FIRST DEPT.  
REQUESTS TORTFEASORS STEIN,  
ABRAMS AND JAY RASHBAUM'S BRIEF &  
RECORD BEFORE THE SUPREME COURT OF  
THE STATE OF NEW YORK APPELLATE  
DIVISION, FIRST JUDICIAL DEPARTMENT,  
DATED FEBRUARY 21, 2024

SUPREME COURT OF THE STATE OF NEW YORK  
APPELLATE DIVISION, FIRST  
JUDICIAL DEPARTMENT

DIANNE T. RENWICK      DOUGLAS C. SULLIVAN  
Presiding Justice      Deputy Clerk of The Court

SUSANNA MOLINA VICTORIA L. CHOY  
ROJAS Deputy Clerk of The Court  
Clerk of The Court

February 21, 2024

John Patrick Anderson  
Law Offices of Henry Schwartz  
32 Court St Ste 908  
Brooklyn, NY 11201-4404

Re: Robinson v Fashion District Dental  
Lower Court No. 153436/2022  
Appellate Division Case No. 2022-05698

*Appendix 12*

Dear Sir/Madam:

Our records indicate that you represent respondent(s) Fashion District Dental, Justin Rashbaum in the above matter. This matter is currently on the Court's calendar for the November 2024 term.

A brief must be filed on your client's behalf by October 2, 2024. If you do not intend to file a brief, please submit a letter notifying the court by this date.

If you do not file a respondent's brief by this date, the Court will decide the matter without considering any points that may have been raised on your client's behalf.

Please note that if you fail to notify the Court without good cause that a matter should not be calendared for any reason, you may be subject to sanctions pursuant to 22 NYCRR§1250.2.(c).

For additional information, please call the calendar clerk at 212-340-0422.

Yours Truly,  
Maria L. DeLeon  
Calendar Clerk

27 Madison Avenue New York, NY10010-2201  
Tel: (212) 340 0400 Internet: Nycourts.Gov/Courts/Adt/

**APPENDIX 13 - TORTFEASORS MOTION FOR  
CONTEMPT AGAINST PETITIONER IN LEIU  
OF BRIEF BEFORE THE SUPREME COURT OF  
THE STATE OF NEW YORK APPELLATE  
DIVISION, FIRST JUDICIAL DEPARTMENT,  
FILED JANUARY 23, 2024**

**SUPREME COURT OF THE STATE OF NEW YORK  
APPELLATE DIVISION, FIRST  
JUDICIAL DEPARTMENT**

No. 2022-05698

GINA ROBINSON,

*Plaintiff-Appellant-Respondent,*

V.

FASHION DISTRICT DENTAL  
DR. JUSTIN RASHBAUM, DMD;

*Defendants-Respondents*

DR. DAVID STEIN, DMD;  
DR. JAY RASHBAUM, DMD;

*Defendants-Respondents-Appellants,*

DR. MICHAEL ABRAMS, D.D.S.,

*Defendant-Respondent*

*Appendix 13*

Filed On: January 23, 2024

Case No: 2022-05698

New York County

Index No. 153436/2022

**AMENDED  
NOTICE OF MOTION**

**WARNING**

**YOUR FAILURE TO APPEAR IN COURT MAY  
RESULT IN YOUR IMMEDIATE ARREST AND  
IMPRISONMENT FOR CONTEMPT OF COURT**

**PLEASE TAKE NOTICE** that, upon the affirmation of Dennis M. Rothman dated January 23, 2023, the exhibits annexed thereto, and all prior papers and proceedings, the defendant-respondent Justin Rashbaum, D.M.D., Individually and doing business as Fashion District Dental will move this Court at the First Department, Appellate Division Courthouse located at 27 Madison Avenue, New York, NY 10010 on February 12, 2024, at 9:30a.m. for an Order:

(a) striking plaintiffs record on appeal and corresponding brief (NYSCEF docs. 15, 27-30), which duplicate the papers this Court already struck (Aug. 31, 2023 Order, NYSCEF doc. 42);

(b) dismissing the appeal with prejudice;

*Appendix 13*

- (c) pursuant to Judiciary Law § 753 and 22 NYCRR 130-U, holding plaintiff in contempt, sanctioning plaintiff, and ordering her to pay defendant-respondent's attorneys' fees, and such other penalty as this Court deems proper; and
- (d) granting such other relief as this Court deems just and proper.

**PLEASE TAKE FURTHER NOTICE** that, pursuant to CPLR 2214(b), answering affidavits, if any, shall be served at least seven (7) days prior to the return date of this motion.

Dated: New York, New York  
January 23, 2024

LESTER SCHWAB KATZ & DWYER, LLP  
s/ Dennis M Rothman  
Attorneys for Defendant Justin Rashbaum,  
D.M.D., Individually and doing business as  
Fashion District Dental  
100 Wall Street  
New York, New York 10005  
(212) 964-6611

TO:

Gina Robinson  
Plaintiff pro se  
108 W. 63rd St. No. 22594

*Appendix 13*

Kansas City, MO 64113  
(646) 266-1142  
ginarobinson2018@gmail.com

John P. Anderson, Esq.  
The Law Offices of Henry Schwartz  
32 Court Street, Suite 908  
Brooklyn, NY 11201  
(718) 222-3118  
janderson@henryschwartzlaw.com  
Attorneys for Defendants-Respondents-Appellants  
Dr. David Stein, DMD,  
Dr. Jay Rashbaum, DMD and  
Dr. Michael Abrams, D.D.S.

APPELLATE DIVISION, FIRST DEPARTMENT OF  
THE STATE OF NEW YORK

No. 2022-05698

GINA ROBINSON,

*Plaintiff-Appellant-Respondent,*

V.  
FASHION DISTRICT DENTAL  
DR. JUSTIN RASHBAUM, DMD;

*Defendants-Respondents*

*Appendix 13*

DR. DAVID STEIN, DMD;  
DR. JAY RASHBAUM, DMD;

*Defendants-Respondents-Appellants,*

DR. MICHAEL ABRAMS, D.D.S.,

*Defendant-Respondent*

Filed On: January 23, 2024

Case No: 2022-05698  
New York County  
Index No. 153436/2022

**NOTICE OF MOTION**

**C O U N S E L O R S:**

PLEASE TAKE NOTICE, that upon the annexed affirmation of JOHN PATRICK ANDERSON, ESQ., duly affirmed on the 5th day of February, 2024, and upon all of the prior papers and proceedings had herein, and the exhibits attached thereto, Defendants-Respondents-Appellants DAVID STEIN, D.M.D. s/h/a DR. DAVID STEIN, DMD and JAY RASHBAUM,

D.M.D. s/h/a DR. JAY RASHBAUM, DMD, and Defendant-Respondent MICHAEL ABRAMS, D.D.S.

s/h/a DR. MICHAEL ABRAMS, DDS, by their attorneys, LAW OFFICES OF HENRY SCHWARTZ,

*Appendix 13*

will move this Court at the First Department, Appellate Division Courthouse located at 27 Madison Avenue, New York, New York 10010, on the 13th day of February, 2024, at 9:30 in the forenoon of that day or as soon thereafter as counsel can be heard for an Order:

- Striking Plaintiff's Record on Appeal and corresponding brief (NYSCEF Docs #15, #27-#30), which duplicate the papers this Court already struck in its August 31, 2023 Order (NYSCEF Doc #42);
- Dismissing Plaintiff's Appeal with Prejudice;
- Pursuant to Judiciary Law 753 and 22 NYCRR 130-1.1, holding Plaintiff in contempt, sanctioning plaintiff, and ordering her to pay Defendants-Respondents-Appellants and Defendant-Respondent's attorneys' fees, and such other penalty as this Court deems proper; and
- For such other, further and different relief as this Court shall deem just and proper.

Dated: Brooklyn, New York

February 2, 2024

Yours, etc.,

*Appendix 13*

LAW OFFICES OF  
HENRY SCHWARTZ  
s/ John Patrick Anderson  
By: John Patrick Anderson, Esq.  
Attorneys for Defendants  
DAVID STEIN, D.M.D. s/h/a DR.  
DAVID STEIN, D.M.D., JAY  
RASHBAUM, D.M.D. s/h/a DR.  
JAY RASHBAUM, D.M.D., and  
MICHAEL ABRAMS, D.M.D. s/h/a  
DR. MICHAEL ABRAMS, D.D.S.  
32 Court Street, Suite 908  
Brooklyn, New York 11201  
(718) 222-3118

TO: GINA ROBINSON  
Plaintiff Pro se  
108 W. 63rd Street, No. 22594  
New York, New York 10024  
(646) 266-1142  
ginarobinson2018@gmail.com  
LESTER SCHWAB KATZ & DWYER, LLP  
Attorneys for Defendant  
JUSTIN RASHBAUM, D.M.D., Individually and  
d/b/a FASHION DISTRICT DENTAL  
100 Wall Street  
New York, New York 10005  
(212) 964-6611

APPENDIX 14 - TORTFEASORS 2<sup>ND</sup>  
CONTEMPT MOTION AND ATTEMPT TO FILE  
FELONY USURY CHARGES AGAINST  
PETITIONER IN LEIU OF BRIEF BEFORE THE  
SUPREME COURT OF THE STATE OF NEW  
YORK APPELLATE DIVISION, FIRST  
JUDICIAL DEPARTMENT,  
FILED MAY 20, 2024

SUPREME COURT OF THE STATE OF NEW YORK  
APPELLATE DIVISION, FIRST  
JUDICIAL DEPARTMENT

No. 2022-05698

GINA ROBINSON,

*Plaintiff-Appellant-Respondent,*

V.  
FASHION DISTRICT DENTAL  
DR. JUSTIN RASHBAUM, DMD;

*Defendants-Respondents*

DR. DAVID STEIN, DMD;  
DR. JAY RASHBAUM, DMD;

*Defendants-Respondents-Appellants,*

DR. MICHAEL ABRAMS, D.D.S.,

*Appendix 14*

*Defendant-Respondent*  
Filed On: May 20, 2024

Case No: 2022-05698  
New York County  
Index No. 153436/2022

**NOTICE OF MOTION**

**WARNING**  
**YOUR FAILURE TO APPEAR IN COURT MAY**  
**RESULT IN YOUR IMMEDIATE ARREST AND**  
**IMPRISONMENT FOR CONTEMPT OF COURT**

PLEASE TAKE NOTICE that, upon the affirmation of Dennis M. Rothman dated May 17, 2024, the exhibits annexed thereto, and all prior papers and proceedings, the defendant-respondent Justin Rashbaum, D.M.D., Individually and doing business as Fashion District Dental, will move this Court at the First Department, Appellate Division Courthouse located at 27 Madison Avenue, New York, NY 10010 on June 3, 2024, at 10:00 a.m. for an Order:

- (a) dismissing the appeal with prejudice, costs, and disbursements, including striking any record or appellant's brief that may currently be filed;

*Appendix 14*

- (b) pursuant to Judiciary Law § 753 and 22 NYCRR § 130-1.1, holding plaintiff in contempt, sanctioning plaintiff, and ordering her to pay defendant-respondent's attorneys' fees and other expenses, and such other penalty as this Court deems proper; and
- (c) granting such other relief as this Court deems just and proper.

**PLEASE TAKE FURTHER NOTICE** that, pursuant to CPLR 2214(b), answering affidavits, if any, shall be served at least seven (7) days prior to the return date of this motion.

Dated: New York, N.Y.  
May 17, 2024

LESTER SCHWAB KATZ  
& DWYER, LLP  
s/ Dennis M Rothman  
Attorneys for Defendant  
Justin Rashbaum, D.M.D.,  
Individually and doing  
business as Fashion  
District Dental  
100 Wall Street  
New York, New York  
I0005  
(212) 964-6611

*Appendix 14*

To:

All parties via NYSCEF.

36. The precise arithmetic in plaintiffs invoices is difficult to unravel (she also did not submit an invoice every month), but they purport to charge 5% monthly interest, on top of a \$200 per month late fee. By her most recent invoice, dated May 14, 2024, plaintiff claimed that Dr. Rashbaum owed \$3,973.17 on a purported February 9, 2023 principal of \$250.00. That is well in excess of the 25% annual interest rate that constitutes attempted felony usury Penal Law §§ 110.05, 190.40. The motion court did not order, and Dr. Rashbaum never consented, to reimburse plaintiff for fees charged by her new dentist, let alone to pay plaintiff's purported late fees and interest (proposed record at 733:35, not 720 as the table of contents states).

37. Plaintiffs attempted usury is knowing and intentional. My April 14, 2023 email to plaintiff rejecting the invoice on behalf of Dr. Rashbaum warned plaintiff that "You may wish to consult counsel on the issue whether the charges and fees you claim constitute usury under the Penal Law" (Exhibit D). Plaintiff has continued to send invoices claiming the accumulating usurious interest.

38. Impermissibly for the first time on

*Appendix 14*

appeal, plaintiffs proposed appellant's brief asks this Court to award her "the recent costs of \$250. for insertion of the SA by alternate orthodontist, with compound interest and late fees applied, as part of this running total" (App. Br. at 58, sic). Plaintiff has never sued on this invoice. RXR WWP Owner LLC v. WWP Sponsor, LLC, I 32 A.D.3d 467, 469 (I st 20 15) ("Plaintiffs request for leave to amend to add new claims is improperly raised for the first time on appeal" - in this case, plaintiff does not even seek leave, but simply asserts the new claim on appeal). Plaintiff has admitted that "this visit" to Artista Dental Studio "took place after the entry of the December 9 order and presented additional damages outside those presented in the complaint and subsequent papers" (Exhibit D, Robinson email Feb. 18, 2023 6:04 PM).

**APPENDIX 15 – PLAINTIFF COMPLIES:  
RESIZING & CAPTIONING ACCEPTED  
RECORD AND BRIEF BEFORE THE SUPREME  
COURT OF THE STATE OF NEW YORK  
APPELLATE DIVISION, FIRST JUDICIAL  
DEPARTMENT,  
FILED APRIL 30 & JUNE 20, 2024**

**SUPREME COURT OF THE STATE OF NEW YORK  
APPELLATE DIVISION, FIRST  
JUDICIAL DEPARTMENT**

No. 2022-05698

GINA ROBINSON,

*Plaintiff-Appellant-Respondent,*

-against-

FASHION DISTRICT DENTAL  
A.K.A. UNDISCLOSED FIRM NAME  
DR. JUSTIN RASHBAUM, DMD;  
DR. MICHAEL ABRAMS, D.D.S.,

*Defendants-Respondents*

DR. DAVID STEIN, DMD;  
DR. JAY RASHBAUM, DMD;

*Defendants-Respondents-Appellants,*

*Appendix 15*

*Defendant-Respondent*

Filed On April 30 & June 20, 2024

Index No. 153436/2022

**AMENDED  
JOINT RECORD ON APPEAL  
VOLUME 1 OF 1**

Gina Robinson, *Pro se*  
200 West 80th Street  
New York, NY 10024  
(646) 266-1142

Dennis M. Rothman  
LESTER SCHWAB  
KATZ & DWYER,LLP  
100 Wall Street  
New York, NY 10005  
212 964-6611  
Attorneys for Defendant  
Justin Rashbaum,  
D.M.D., Individually  
and doing business as  
Fashion District Dental

John P. Anderson, Esq.  
The Law Offices of  
Henry Schwartz  
32 Court Street, Ste 908  
Brooklyn, NY 11201  
718 222-3118  
Attorneys for  
Defendants Dr. David  
Stein,  
DMD, Dr. Jay  
Rashbaum, DMD and  
Dr.  
Michael Abrams, D.D.S.

*Appendix 15*

*== excerpt ==*

[793]

TRIAL COURT SCHEDULES ORAL ARGUMENT IN  
RESPONSE TO PLAINTIFF'S REQUEST FOR  
ADJOURNMENT DATED JULY 12, 2022

[FILED: NEW YORK COUNTY CLERK  
07/19/2022 12:08 PM INDEX NO. 153436/2022  
NYSCEF DOC. NO. 140 RECEIVED NYSCEF:  
07/21/2022

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK: PART 8

-----X

Gina Robinson

Plaintiff,

-against-

Fashion District Dental, et. al.

Defendants.

-----)(  
INTERIM ORDER  
INDEX No.: 153436-2022  
Motion Seq: 001-003

Present:

Hon. Lynn R. Kotler, J.S.C.

*Appendix 15*

Motion sequence numbers 001-003 are hereby calendared for oral argument before the court on August 2, 2022 at 10:00am and will be conducted via Microsoft Teams. There are no in-person appearances in the Part. Counsel should have both audio and video available for the Microsoft Teams meeting.

Invitations to the Microsoft Teams meeting will be sent to counsel of record on NSYCEF. Any party that needs an invitation to the meeting should contact Steven Carney, Part Clerk, at SCARNEY@ nycourts.gov. Please be advised that "each attorney who receives notification of an appearance on a specific date and time is responsible for notifying all other parties by email that the matter is scheduled to be heard on that assigned date and time" (Uniform Civil Rules for the Supreme Court and the County Court § 202.23[c]).

If the above-referenced motion has been resolved, the parties should notify the court and file a stipulation to that affect (Uniform Civil Rules for the Supreme Court and the County Court§ 202.28).

This constitutes the Order of the court.

Dated: New York, N.Y.  
July 12, 2022

So Ordered:

s/ LK

Hon. Lynn R. Kotter, J.S.C.

**APPENDIX 16 – FIRST DEPT. SUBORNS  
REQUEST TO VIOLATE PETITIONER'S 14<sup>TH</sup>  
AMENDMENT RIGHTS BEFORE THE  
SUPREME COURT OF THE STATE OF NEW  
YORK APPELLATE DIVISION, FIRST  
JUDICIAL DEPARTMENT,  
FILED DECEMBER 21, 2023**

**SUPREME COURT OF THE STATE OF NEW YORK  
APPELLATE DIVISION, FIRST  
JUDICIAL DEPARTMENT**

No. 2022-05698

GINA ROBINSON,

*Plaintiff-Appellant-Respondent,*

-against-

FASHION DISTRICT DENTAL  
A.K.A. UNDISCLOSED FIRM NAME  
DR. JUSTIN RASHBAUM, DMD;  
DR. MICHAEL ABRAMS, D.D.S.,

*Defendants-Respondents*

DR. DAVID STEIN, DMD;  
DR. JAY RASHBAUM, DMD;

*Defendants-Respondents-Appellants,*

*Appendix 16*

Filed On: December 21, 2023

Case No: 2022-05698

New York County

Index No. 153436/2022

**AFFIDAVIT IN REPLY TO  
RESPONDENTSOPPOSITION  
TO APPLICATION FOR  
INTERIM RELIEF& FOR 60  
DAY STAY FILED DEC 12 2023**

1. Plaintiff-Appellant, and Pro se litigant, Gina Robinson, submits this Affidavit in further support of, and in opposition to Defendant-Respondent's opposition to, Plaintiff-Appellant's application for Interim Relief and 60 day stay, filed December 12, 2023 (Exhibit A), which was referred to a panel and otherwise denied December 13, 2023.

2. Defendants-Respondents-Appellants stole a purchased device from Plaintiff-Appellant, not even designed per her specifications, refused to give her the device or a refund, dared her to sue them in court numerous times, and when the Court was forced to admit breach of contract occurred, that court refused to give appropriate relief, and in fact, sanctioned the Plaintiff due to various forms of discrimination.

3. Plaintiff-Appellant appealed the decision and order dated December 9, 2022 due to bias and

*Appendix 16*

discriminatory actions taken by the court culminating in the violation of Plaintiff's 14<sup>th</sup> Amendment rights to due process and to equal treatment under the law. This was so stated in Plaintiff's Notice of Appeal papers Dated December 19, 2022 (Exhibit B).

*== excerpt ==*

- Exhibit B: Plaintiff's NOE attachment stating 14th Amendment violations as main reason for appeal.
- Exhibit C: Plaintiff-Appellant's concern for upfront costs to printers that wont confirm the details of the documents or with bad reviews.
- Exhibit D: Appellate Printer's general manager drops the job because Plaintiff-Appellant asked for a time of delivery.

DEFENDANT-RESPONDENTS CONTINUE TO  
REQUEST A RECORD  
THAT VIOLATES PLAINTIFF'S 14TH  
AMENDMENT RIGHT TO DUE PROCESS

25. Plaintiff-Appellant has stated numerous times that the proceedings in the Trial Court were unfair and unequal and that there was bias in favor of Defendants and against Plaintiff.

*Appendix 16*

26. In the most blatant instance Defendants were allowed abusive and unnecessary discovery against court rules, but any discovery at all was denied Plaintiff-Appellant even after orders to show cause were filed to compel the court to allow discovery.

27. This is a violation of her 14th Amendment Rights, which all Courts are sworn to uphold.

28. In the opposition to Plaintiff-Appellant's application for interim relief dated August 7, 2023, Defendants-Respondent's directly ask the Appellate Court to bar Plaintiff-Appellant from filing any further papers other than the curtailed RoA and Brief which they know is a violation of her 14th Amendment rights to due process (Affirm in Oppo.to AIR ¶ 4s).

29. Plaintiff-Appellant has a right and a duty, to prove her arguments on appeal and Defendant-Respondents are trying to permanently remove material that supports those arguments in order to weaken and destroy Plaintiff-Appellant's appeal.

30. That is a direct interference with due process. Those arguments and the evidence upon which they stand must be included lest her 14th Amendment rights to due process be violated once again.

*Appendix 16*

31. The fact that Defendants-Respondents are actively pursuing this violation says much about their character and their concern for the constitutional rights of average American citizens. They did not mention the 14th Amendment even once in this current opposition.

CONCLUSION

32. Defendant-Respondent has no standing as a non-appealing party and has already destructively interfered with a perfected appeal, and is now asking the court to not only bar Plaintiff-Appellant from defending her arguments in appeal in the JRoA, but is also trying to run out the clock on its deadline. He has demonstrated that he will not allow Plaintiff-Appellant to submit any RoA or Brief, he will complain about any condition it happens to be in, but he wants no part in its production or its costs. Defendant-Respondent-Appellants have shown dissatisfaction with the RoA and Brief Plaintiff-Appellant produced and requested (¶12) that she allow them to take the lead in getting the JRoA produced especially since they have longstanding relationships with these printers and Plaintiff-Appellant does not. More time is needed to achieve this nonetheless.

33. For the reasons stated above Plaintiff-Appellant asks the Court to put an end to the

*Appendix 16*

relentless interference in the process by Defendants-Respondents (Appellants), so this case can finally be closed.

**REQUESTED RELIEF**

34. Plaintiff-Appellant asks an Appellate Court Judge to grant the relief sought in the application for interim relief dated December 12, 2023 seeking:

- To adopt the attached Briefing Schedule.
- To reconsider Motion # 4163.

**APPENDIX 17 – NYCOA CALENDAR  
FILING REFERS TO PETITIONER'S  
CONSTITUTIONAL ISSUES YET DISMISSES  
CASE BEFORE THE COURT OF APPEALS  
OF THE STATE OF NEW YORK,  
DATED OCTOBER 28, 2024**

**STATE OF NEW YORK  
COURT OF APPEALS**

State of New York Court of Appeals  
Clerk's Office  
20 Eagle Street  
Albany, New York 12207-1095  
(518)455-7700

**COURT OF APPEALS NEW FILINGS**  
Preliminary Appeal Statements processed  
by the Court of Appeals Clerk's Office  
October 18, 2024 through October 24, 2024

Vol. 44 - No. 42  
10/28/24

Each week the Clerk's Office prepares a list of recently-filed appeals, indicating short title, jurisdictional predicate, subject matter and key issues. Some of these appeals may not reach decision on the merits because of dismissal, on motion or *sua sponte*, or because the parties stipulate to withdrawal. Some appeals may be selected for review pursuant to the alternative procedure of Rule 500.11. For those

*Appendix 17*

appeals that proceed to briefing in the normal course, the briefing schedule generally will be: appellant's brief to be filed within 60 days after the appeal was taken; respondent's brief to be filed within 45 days after the due date for the filing of appellant's brief; and a reply brief, if any, to be filed within 45 days after the due date for the filing of respondent's brief.

The Court welcomes motions for amicus curiae participation from those qualified and interested in the subject matter of these newly filed appeals. Please refer to Rule 500.23 and direct any questions to the Clerk's Office.

AL 557 DOE v CENTRAL VALLEY CSD;  
APL-2024-00136  
4th Dept. App, Div. order of 5/10/24; affirmation; leave granted by the Appellate Division with certified question 9/27/24;  
Schools--Annexation of School District-Whether, pursuant to Education Law §§ 1517, 1518, and/or 1804, a plaintiff may maintain an action for damages against a centralized school district based on tortious conduct allegedly attributable to a former component school district, where the statute of limitations applicable to the plaintiff's claims had expired as of the date of the merger and/or consolidation which formed the newly centralized school district but was subsequently revived pursuant to the Child Victims Act (see CPLR 214-g);

*Appendix 17*

Supreme Court, Herkimer County, inter alia, denied in part the motion of defendants to dismiss the amended complaint; App. Div. affirmed, presiding.

ROBINSON v FASHION DISTRICT DENTAL et al.:  
APL-2024-00139

1st Dept. App. Div. order of 9/26/24; granted motion;  
sua sponte examination of whether the order  
appealed finally determines the action within the  
meaning of the Constitution and whether a  
substantial constitutional question is directly  
involved to support an appeal as of right;

**Appeal--Dismissal--Whether plaintiff's appeal**  
**was properly dismissed; alleged constitutional**  
**violations;**

Supreme Court, New York County, granted plaintiffs motions to the extent that plaintiff is entitled to summary judgment against defendants Dr. Justin Rashbaum, DMD, Dr. David Stein, DMD, Dr. Jay Rashbaum, DMD on her third cause of action for breach of contract and a default judgment against Fashion District Dental on her third cause of action; ordered plaintiff to designate in writing the name of an orthodontist licensed in New York and deliver such designation to certain defendants and upon such

*Appendix 17*

designation, defendants shall deliver the retainer to the orthodontist selected by plaintiff; otherwise denied plaintiffs motion for summary judgment; granted the cross-motion by defendant Dr. Michael Abrams, DDS and severed and dismissed plaintiffs claims against Dr. Michael Abrams, DDS; granted the cross-motion by defendants Dr. Justin Rashbaum, DMD, Dr. David Stein, DMD, Dr. Jay Rashbaum, DMD, to the extent of severing and dismissing all but plaintiffs third cause of action; App. Div. denied plaintiffs motion to accept filing of affidavits of service, and granted motions by defendants-respondents and defendants-respondents-appellants to the extent of striking the amended record and brief filed by plaintiff on June 20, 2024, and dismissing plaintiffs appeal, sua sponte extended the time to perfect defendants-respondents-appellants' cross-appeal, designated the direct appeal, to the February 2025 Term.

**APPENDIX 18 - NY CONSTITUTION -  
STATUTES SUCH AS ARTICLE VI § 3(B) THE  
NYCOA ORDER OF DISMISSAL REFERED TO  
DO NOT BAR JURISDICTION**

**New York State  
Constitution**

As revised, including amendments effective January  
1, 2025

**KATHY HOCHUL  
Governor**

**WALTER T. MOSLEY  
Secretary of State**

**The Constitution of the State of New York**

***== excerpt ==***

**ARTICLE VI  
JUDICIARY**

**§**

1. Unified court system; organization; process.
2. Court of appeals; organization; designations; vacancies, how filled; commission on judicial nomination.
3. Court of appeals; jurisdiction.
4. Judicial departments; appellate divisions, how constituted; governor to designate justices; temporary assignments; jurisdiction.

*Appendix 18*

5. Appeals from judgment or order; new trial.
6. Judicial districts; how constituted; supreme court.
7. Supreme court; jurisdiction.
8. Appellate terms; composition; jurisdiction.
9. Court of claims; jurisdiction.
10. County courts; judges.
11. County court; jurisdiction.
12. Surrogate's courts; judges; jurisdiction.
13. Family court; organization; jurisdiction.
14. Discharge of duties of more than one judicial office by same judicial officer.

**APPENDIX 19 - PETITIONER'S PRELIMINARY  
STATEMENT CLEARLY STATES  
CONSTITUTIONAL ISSUES NUMEROUS  
TIMES BEFORE THE COURT OF APPEALS  
OF THE STATE OF NEW YORK,  
DATED OCTOBER 17, 2024**

Gina Robinson  
108 West 63rd Street  
No. 22594  
Kansas City, MO 64113

October 17, 2024

Re: First Department Appellate Division  
Case: 2022105698

Barbara Underwood, Esq.  
Solicitor General  
Department of Law,  
The Capitol,  
Albany, New York 12224

Dear Solicitor General:

In compliance with 22 NYCRR § 500.9, I am notifying you that as the Plaintiff-Appellant in the above case I am appealing an order from the First Department to the Court of Appeals, pursuant to CPLR 5601(b)(1) & (2).

Please see enclosed the Preliminary Appeal

*Appendix 19*

Statement which includes the Notice of Appeal, filed October 10, 2024, and the Order appealed from dated September 26, 2024.

Your time and consideration in this matter is greatly appreciated.

Sincerely,  
s/ Gina Robinson 10/17/24  
Gina Robinson

NOTARIZED STATEMENT OF COMPLIANCE

Court of Appeals  
State of New York

AFFIDAVIT

New York Court of Appeals  
Docket No: Not Yet Assigned  
First Department Case No:  
2022/05698  
NY Supreme Court  
No:153436/2022

1. Gina Robinson being duly swam, depose and say that:

1. I have notified the Solicitor General of New York, by mail, that I have commenced an appeal of an order from the First Department Appellant Division of New York to the Court of Appeals, State of New York.
2. I have notified the other parties of my

*Appendix 19*

notification of the Solicitor General by mail.  
3. The content of the notification states the following:

"In compliance with 22 NYCRR § 500.9, I am notifying you that as the Plaintiff-Appellant in the above case I am appealing an order from the First Department to the Court of Appeals, pursuant to CPLR 5601(b)(1) & (2)."

Dated: October 17, 2024

s/ Gina Robinson  
Gina Robinson, *pro se*

Sworn to before me this 17  
Day of October, 20 24

s/ Liam Ridley  
Notary Public

LIAM RIDLEY  
Notary Public-Notary Seal  
Jackson County - State of Missouri  
Commission Number 22330672  
My Commission Expires Dec 26, 2026

*Appendix 19*

AFFIDAVIT OF SERVICE OF MAILING

STATE OF NEW YORK COURT OF APPEALS  
COUNTY OF Albany ) ss.:

Gina Robinson , being duly sworn, deposes and says:  
On the 17 day of October , 20 24, I served a true copy  
of the annexed List of Documents by mailing the same  
in a sealed envelope, with postage prepaid thereon, to  
a post office or official depository of the U.S. Postal  
Service within the State of New York, addressed to  
the last known addressee(s) as indicated below:  
(Insert here the name(s) and address(es) of the  
person(s) to whom you are mailing the papers being  
filed with this Court. If necessary, attach extra pages  
for additional names and addresses.)

Name & Address  
Contents: List of  
Documents:

Plaintiff's Notice to  
Solicitor General of  
appeal Commencement  
to Court of Appeals,  
State of NY

Name & Address  
To:

Mr. Dennis M.  
Rothman,  
Lester Schwab Katz &  
Dwyer, Up,  
100 Wall Street New  
York, NY 10005

*Appendix 19*

Mr. John Anderson  
Law Offices of Henry  
Schwartz  
32 Court Street,  
Brooklyn, NY 11201

New York State Court  
of Appeals  
Clerk of the Court  
20 Eagle Street  
Albany, New York  
12207

Barbara Underwood,  
Esq.  
Solicitor General  
Department of Law  
The Capitol  
Albany, New York  
12224

(Signature) s/Gina Robinson  
(Print Name) Gina Robinson

*Appendix 19*

Sworn to before me this 17  
Day of October, 2024  
s/ Liam Ridley  
Notary Public  
Revised: February 19, 2014

LIAM RIDLEY  
Notary Public-Notary Seal  
Jackson County - State of Missouri  
Commission Number 22330672  
My Commission Expires Dec 26, 2026

*Appendix 19*

PRELIMINARY APPEAL STATEMENT

NEW YORK STATE  
COURT OF APPEALS

Preliminary Appeal Statement

Pursuant to section 500.9 of the Rules of the  
Court of Appeals

1. CAPTION OF CASE (as the parties should be  
denominated in the Court of Appeals):

STATE OF NEW YORK COURT OF APPEALS

Gina Robinson

Plaintiff-Appellant(s)

-against-

FASHION DISTRICT DENTAL; DR. JUSTIN  
RASHBAUM,  
DMD; DR. DAVID STEIN, DMD; DR. JAY  
RASHBAUM, DMD;  
DR. MICHAEL ABRAMS, DDS,

Defendant-Respondent(s)

2. Name of court or tribunal where case originated,  
including county, if applicable:

Appellate Division, Supreme Court of State of NY  
First Judicial Department

3. Civil index number, criminal indictment number or  
other number assigned to the matter in the

*Appendix 19*

court or tribunal of original instance: 153436/2022

4. Docket number assigned to the matter at the Appellate Division or other intermediate appellate court: 2022-05698

5. Jurisdictional basis for this appeal:

- Leave to appeal granted by the Court of Appeals or a Judge of the Court of Appeals
- Leave to appeal granted by the Appellate Division or a Justice of the Appellate Division
- CPLR 5601(a): dissents on the law at the Appellate Division
- CPLR 5601(b)(1): constitutional ground (Appellate Division order)
- CPLR 5601(b)(2): constitutional ground (judgment of court of original instance)
- CPLR 5601(c): Appellate Division order granting a new trial or hearing, upon stipulation for judgment absolute
- CPLR 5601(d): from a final judgment, order, determination or award, seeking review of a prior nonfinal Appellate Division order
- Other (specify) \_\_\_\_\_

6. How this appeal was taken to the Court of Appeals (choose one) (see CPLR 5515[1]):

*Appendix 19*

NOTICE OF APPEAL Date filed: October 10, 2024  
Clerk's office where filed: First Dept. Appellate Div.

ORDER GRANTING LEAVE TO APPEAL (civil case):  
Court that issued order: N/A Constitutional Question  
Date of order: \_\_\_\_\_

CERTIFICATE OR ORDER GRANTING LEAVE TO  
APPEAL (criminal case):

Justice or Judge who issued order: N/A Constitutional  
Question

Court: \_\_\_\_\_

Date of order: \_\_\_\_\_

7. Demonstration of timeliness of appeal in civil case  
(CPLR 5513, 5514):

Was appellant served by its adversary with a copy of  
the order, judgment or determination appealed from  
and notice of its entry? yes no

If yes, date on which appellant was served (if known,  
or discernable from the papers served): September  
27, 2024

If yes, method by which appellant was served:

- personal delivery
- regular mail
- overnight courier
- other (describe NYSCEF )

Did the Appellate Division grant or deny a motion for

*Appendix 19*

leave to appeal to this Court in this case?

       yes        no

If yes, fill in the following information:

a. date appellant served the motion for leave to appeal made at the Appellate Division: \_\_\_\_\_

b. date on which appellant was served with the Appellate Division order granting or denying such motion with notice of the order's entry: No Motion Filed , and

c. method by which appellant was served with the Appellate Division order granting or denying such motion:

\_\_\_\_\_ personal service  
\_\_\_\_\_ regular mail  
\_\_\_\_\_ overnight courier  
\_\_\_\_\_ other (describe \_\_\_\_\_)

8. Party Information:

Instructions: Fill in the name of each party to the action or proceeding, one name per line. Indicate the status of the party in the court of original instance and the party's status in this Court, if any. Examples of a party's original status include: plaintiff, defendant, petitioner, respondent, claimant, third-party plaintiff, third-party defendant, intervenor.

Examples of a party's Court of Appeals status include: appellant, respondent, appellant-respondent, respondent-appellant, intervenor appellant.

*Appendix 19*

No. Party Name - Original Status - Court of Appeals  
Status

1. FASHION DISTRICT DENTAL - Defendant - Respondent
2. DR. JUSTIN RASHBAUM, DMD Defendant - Respondent
3. DR. DAVID STEIN, DMD; Defendant - Respondent-Appellant
4. DR. JAY RASHBAUM, DMD Defendant - Respondent-Appellant
5. DR. MICHAEL ABRAMS, DDS, - Defendant Respondent
6. GINA ROBINSON Plaintiff - Appellant-Respondent

9. Attorney information:

Instructions: For each party listed above, fill in the name of the one law firm and responsible attorney who will act as counsel of record, if the party is represented. Where a litigant is self-represented, fill in that party's data in section 10 below.

For Party No. 1 above:

Law Firm Name: Lester Schwab Katz & Dwyer, LLP.

Responsible Attorney: Dennis M Rothman

Street Address: 100 Wall Street

City: New York State: N.Y. Zip 10005

Telephone No: 2129646611 Ext. \_\_\_\_\_

Email: drothman@lskdnylaw.com

If appearing Pro Hac Vice, has attorney satisfied requirements of section 500.4 of the Rules of the

*Appendix 19*

Court of Appeals? yes no

For Party No. 2 above:

Law Firm Name: Lester Schwab Katz & Dwyer, LLP.

Responsible Attorney: Dennis M Rothman

Street Address: 100 Wall Street

City: New York State: N.Y. Zip: 10005

Telephone No: 2129646611 Ext. \_\_\_\_\_

Email: drothman@lskdnylaw.com

If appearing Pro Hac Vice, has attorney satisfied requirements of section 500.4 of the Rules of the Court of Appeals? yes no

For Party No. 3 above:

Law Firm Name: Law Offices of Henry Schwartz

Responsible Attorney: John Anderson/Henry Schwartz

Street Address: 32 Court Street Ste. 908

City: Brooklyn State: N.Y. Zip: 11201

Telephone No: 7182223118 Ext. \_\_\_\_\_

Email: janderson@henryschwartzlaw.com

If appearing Pro Hac Vice, has attorney satisfied requirements of section 500.4 of the Rules of the Court of Appeals? yes no

For Party No. 4 above:

Law Firm Name: Law Offices of Henry Schwartz

Responsible Attorney: John Anderson/Henry Schwartz

Street Address: 32 Court Street Ste. 908

City: Brooklyn State: N.Y. Zip: 11201

Telephone No: 7182223118 Ext. \_\_\_\_\_

*Appendix 19*

Email: janderson@henryschwartzlaw.com

If appearing Pro Hac Vice, has attorney satisfied requirements of section 500.4 of the Rules of the Court of Appeals? yes no

For Party No. 5 above:

Law Firm Name: Law Offices of Henry Schwartz

Responsible Attorney: John Anderson/Henry Schwartz

Street Address: 32 Court Street Ste. 908

City: Brooklyn State: N.Y. Zip 11201

Telephone No: 7182223118 Ext. \_\_\_\_\_

Email: janderson@henryschwartzlaw.com

If appearing Pro Hac Vice, has attorney satisfied requirements of section 500.4 of the Rules of the Court of Appeals? yes no

10. Self-Represented Litigant information:

For Party No. 1 above:

Party's Name: Gina Robinson

Street Address: 108 West 63rd Street, No. 22594

City: Kansas City State: MO Zip: 64113

Telephone No.: (646) 266-1142 Ext. \_\_\_\_\_

Email: ginarobinson2018@gmail.com

11. Related motions and applications:

Does any party to the appeal have any motions or applications related to this appeal

pending in the Court of Appeals? yes no

If yes, specify:

a. the party who filed the motion or application: \_\_\_\_\_

*Appendix 19*

b. the return date of the motion: \_\_\_\_\_  
c. the relief sought: \_\_\_\_\_

Does any party to the appeal have any motions or applications in this case currently pending in the court from which the appeal is taken? \_\_\_\_yes \_\_\_\_no

If yes, specify:

a. the party who filed the motion or application: N/A  
b. the return date of the motion: \_\_\_\_\_  
c. the relief sought: \_\_\_\_\_

Are there any other pending motions or ongoing proceedings in this case? If yes, please describe briefly the nature and the status of such motions or proceedings: \_\_\_\_\_

---

12. Set forth, in point-heading form, issues proposed to be raised on appeal (this is a nonbinding designation, for preliminary issue identification purposes only):

Please see additional sheet attached.

13. Does appellant request that this appeal be considered for resolution pursuant to section 500.11 of the Rules of the Court of Appeals (Alternative Procedure for Selected Appeals)? \_\_\_\_yes \_\_\_\_no

*Appendix 19*

If yes, set forth a concise statement why appellant believes that consideration pursuant to section 500.11 is appropriate (see section 500.11[b]):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

14. Notice to the Attorney General.

Is any party to the appeal asserting that a statute is unconstitutional? yes no

If yes, has appellant met the requirement of notice to the Attorney General in section 500.9(b) of the Rules of the Court of Appeals? yes no

**Question 12. Additional sheet attachment**

1- The First Department, violated the Due Process and Equal Protection Clauses of the United States Constitution when they dismissed Plaintiff's perfected appeal sua sponte, and without cause, despite her appeal raising substantive issues and following the rules of civil procedure.

2- The First Department, violated the Due Process and Equal Protection Clauses of the United States Constitution when they dismissed Plaintiff's perfected appeal because Plaintiff is a Black person.

*Appendix 19*

- 3- The First Department, violated the Due Process and Equal Protection Clauses of the United States Constitution when they dismissed Plaintiff's perfected appeal because Plaintiff is a female.
- 4- The First Department, violated the Due Process and Equal Protection Clauses of the United States Constitution when they dismissed Plaintiff's perfected appeal due to Plaintiff's low socio-economic status.
- 5- The Appellate Division violated the Due Process and Equal Protection Clause of the United States Constitution when they dismissed Plaintiff's perfected appeal because Plaintiff is a pro se litigant.
- 6- The First Department, violated the Due Process and Equal Protection Clauses of the New York State Constitution when they dismissed Plaintiff's perfected appeal *sua sponte*, and without cause, despite her appeal raising substantive issues and following the rules of civil procedure.
- 7- The Appellate Division violated the Due Process and Equal Protection Clauses of the New York State Constitution when they dismissed Plaintiff's perfected appeal because Plaintiff is a Black person.
- 8- The Appellate Division violated the Due Process and Equal Protection Clauses of the New York State Constitution because Plaintiff is a female.

*Appendix 19*

- 9- The Appellate Division violated the Due Process and Equal Protection Clauses of the New York State Constitution when they dismissed Plaintiff's perfected appeal because of Plaintiff's low socio-economic status.
- 10- The Appellate Division violated the Due Process and Equal Protection Clauses of the New York State Constitution when they dismissed Plaintiff's perfected appeal because the Plaintiff is a Pro se litigant.
- 11- The First Department selectively enforced the statutes of the rules of civil procedure and violated the Due Process Clauses and Equal Protection Clauses of the Constitutions of the United States, *sua sponte*, and without cause.
- 12- The First Department selectively enforced the statutes of the rules of civil procedure and violated the Due Process Clauses and Equal Protection Clauses of the Constitutions of the United States, because Plaintiff is a black person.
- 13- The First Department selectively enforced the statutes of the rules of civil procedure and violated the Due Process Clauses and Equal Protection Clauses of the Constitutions of the United States, because Plaintiff is a female.
- 14- The First Department selectively enforced the

*Appendix 19*

statutes of the rules of civil procedure and violated the Due Process Clauses and Equal Protection Clauses of the Constitutions of the United States, due to Plaintiff's low socio-economic status.

15- The First Department selectively enforced the statutes of the rules of civil procedure and violated the Due Process Clauses and Equal Protection Clauses of the Constitutions of the United States, because Plaintiff is a pro se litigant.

16- The First Department selectively enforced the statutes of the rules of civil procedure and violated the Due Process Clauses and Equal Protection Clauses of the State of New York Constitution, *sua sponte*, and without cause.

17- The First Department selectively enforced the statutes of the rules of civil procedure and violated the Due Process Clauses and Equal Protection Clauses of the State of New York Constitution, because Plaintiff is a black person.

18- The First Department selectively enforced the statutes of the rules of civil procedure and violated the Due Process Clauses and Equal Protection Clauses of the State of New York Constitution, because Plaintiff is a female.

19- The First Department selectively enforced the

*Appendix 19*

statutes of the rules of civil procedure and violated the Due Process Clauses and Equal Protection Clauses of the State of New York Constitution, due to Plaintiff's low socio-economic status.

20- The First Department selectively enforced the statutes of the rules of civil procedure and violated the Due Process Clauses and Equal Protection Clauses of the State of New York Constitution, because Plaintiff is a pro se litigant.

**15. ITEMS REQUIRED TO BE ATTACHED TO EACH COPY OF THIS STATEMENT:**

A. A copy of the filed notice of appeal to the Court of Appeals (with proof of service), a copy of the order granting leave to appeal to the Court of Appeals (civil case), or a copy of the certificate granting leave to appeal to the Court of Appeals (criminal case), whichever is applicable;

B. A copy of the signed order, judgment or determination appealed from to this Court (use document Issued by the court, not internet version);

C. A signed copy of any order, judgment or determination which is the subject of the order appealed from, or which is otherwise brought up for review (use document issued by the court, not internet version);

*Appendix 19*

D. Copies of all decisions or opinions relating to the orders set forth in subsections B and C above (use documents issued by the court, not internet versions); and

E. If required, a copy of the notice sent to the Attorney General pursuant to section 500.9(b) of the Rules of the Court of Appeals.

F. If required, a disclosure statement pursuant to section 500.1(f) of the Rules of the Court of Appeals.

Date: \_\_\_\_\_ Submitted by: \_\_\_\_\_  
(Name of law firm)

\_\_\_\_\_  
(Signature of  
responsible attorney)

\_\_\_\_\_  
(Typed name of  
responsible attorney)

Attorneys for appellant \_\_\_\_\_  
(Name of party)

Date: 10/17/2024

Submitted by s/ Gina Robinson 10/17/24  
(Signature of appellant)

Gina Robinson  
(Typed/printed name of  
self-represented appellant)

*Appendix 19*

COURT OF APPEALS  
STATE OF NEW YORK

GINA ROBINSON  
Plaintiff-Appellant(s)

-Vs-

NOTICE OF APPEAL  
Case No: 2022-05698  
Purchased 10/10/2024  
OF ORDER  
MOTION NOS:  
03457,03501 & 03730

Index No: 153436/2022

FASHION DISTRICT DENTAL  
DR. JUSTIN RASHBAUM, DMD  
DR. DAVID STEIN, DMD;  
DR. JAY RASHBAUM, DMD  
DR. MICHAEL ABRAMS, DDS,  
Defendant-Respondent(s)

PLEASE TAKE NOTICE that the above named Plaintiff Gina Robinson , Pursuant to CPLR 5601(b) & CPLR 5515[1] - appealing as of right, CPLR 5601(b)(1)- Constitutional interpretation, and CPLR 5601 (b )(2) -Constitutional validity, hereby appeals to the Court of Appeals, State of New York from a decision/order of The Appellate Division Of The Supreme Court of The State of New York First Judicial Department entered in the office of the clerk of said court on the 26 day September, 2024, and from every part thereof. A true and correct copy of the Court's September 26, 2024, Order is attached hereto as Exhibit A. The Notice of Entry, filed on September 27, 2024, is attached hereto as Exhibit B

*Appendix 19*

Dated: October 10, 2024

s/ Gina Robinson  
(signature of appellant)  
Gina Robinson  
(name of appellant)  
108 West 63rd street -  
No. 22594  
Kansas City , MO 64113  
(address of appellant)

**Copies to:**

Lester Schwab Katz & Dwyer, LLP.  
(name of opposing party or attorney)  
100 wall street  
New York, NY 10005  
(address of opposing party/or attorney) and

The Law Offices Of Henry Schwartz  
(name of opposing party or attorney)  
32 Court Street  
Brooklyn, NY 11201 and

First Department. Division  
(name of county court)

LIAM RIDLEY  
Notary Public-Notary Seal  
Jackson County - State of Missouri  
Commission Number 22330672  
My Commission Expires Dec 26, 2026

*Appendix 19*

**Exhibit A**

**SUPREME COURT OF THE STATE OF NEW YORK  
APPELLATE DIVISION, FIRST DEPARTMENT**

**PRESENT:** Hon. Anil C. Singh, Justice Presiding,  
Lizbeth González  
Tanya R. Kennedy  
Julio Rodriguez III  
Bahaati E. Pitt-Burke, Justices

---

Gina Robinson, Motion Nos. 2024-03457  
Plaintiff-Appellant-Respondent, 2024-03501  
2024-03730  
Index No. 153436/22  
Case No. 2022-05698

-against-

Fashion District Dental, et al., Defendants-  
Respondents,

Dr. David Stein, DMD, and Dr. Jay  
Rashbaum, DMD,  
Defendants-Respondents-Appellants.

---

An appeal and cross-appeal having been taken  
to this Court from an order of the Supreme Court,  
New York County, entered on or about December 12,

*Appendix 19*

2022, and the appeal having been perfected,

And plaintiff-appellant, pro se, having moved for an order accepting filing of plaintiff's affidavits of service of the joint record on appeal and appellant's brief (Motion No. 2024-03457),

And defendants-respondents Dr. Justin Rashbaum, D.M.D., individually and doing business as Fashion District Dental having moved to strike the joint record on appeal and brief filed by plaintiff-appellant and to dismiss plaintiff's appeal (Motion No. 2024-03501),

And defendants-respondents-appellant having moved separately to strike plaintiff-appellant's joint record on appeal and brief and to dismiss plaintiff's appeal (Motion No. 2024-03730),

Now, upon reading and filing the papers with respect to the motions, and due deliberation having been had thereon,

Case No. 2022-05698

Motion Nos. 2024-03457

2024-03501

2024-03730

It is ordered that plaintiff's motion to accept filing of the affidavits of service is denied (Motion No. 2024-03457), and

*Appendix 19*

It is further ordered that the motions by defendants-respondents and defendants-respondents-appellants are granted to the extent of striking the amended record and brief filed by plaintiff-appellant on June 20, 2024, and dismissing plaintiff's appeal; *sua sponte*, the time to perfect defendants-respondents-appellants' cross appeal, now designated the direct appeal, is extended to the February 2025 Term of this Court (Motion No. 2024-03501 and Motion No. 2024-03730).

ENTERED: September 26, 2024

BY: /s Susanna Molina Rojas  
Susanna Molina Rojas/  
Clerk of the Court

*Appendix 19*

**Exhibit B**

SUPREME COURT OF THE STATE OF NEW YORK  
APPELLATE DIVISION : FIRST DEPARTMENT

-----x  
GINA ROBINSON,

*Plaintiff-Appellant,*  
-against-

FASHION DISTRICT DENTAL  
DR. JUSTIN RASHBAUM, DMD;

*Defendants-Respondents*

DR. DAVID STEIN, DMD;  
DR. JAY RASHBAUM, DMD;

*Defendants-Respondents-Appellants,*

DR. MICHAEL ABRAMS, D.D.S.,

*Defendant-Respondent*

Case No: 2022-05698  
NY County Clerk's  
Index No. 153436/2022

**NOTICE OF ENTRY**

-----x

*Appendix 19*

Please take notice that the attached is a true copy of an order entered by the Clerk of the within court in the above-captioned action on September 26, 2024.

Dated: New York, New York  
September 27, 2024

LESTER SCHWAB KATZ & DWYER, LLP  
/s Dennis M. Rothman

---

Dennis M. Rothman  
Attorneys for Defendant-Respondent  
Justin Rashbaum, D.M.D., Individually and  
doing business as Fashion District Dental  
100 Wall Street  
New York, New York 10005  
(212) 964-6611  
[drothman@lskdnylaw.com](mailto:drothman@lskdnylaw.com)

TO:  
Gina Robinson  
108 W. 63 Street, No. 22594  
Kansas City, Missouri 64113  
Plaintiff pro se  
[ginarobinson2018@gmail.com](mailto:ginarobinson2018@gmail.com)

The Law Offices of Henry Schwartz  
32 Court Street, Suite 908  
Brooklyn, New York 11201  
Attorneys for Defendants

*Appendix 19*

Dr. David Stein, DMD,  
Dr. Jay Rashbaum, DMD and  
Dr. Michael Abrams, D.D.S.  
(718) 222-3118  
[janderson@henryschwartzlaw.com](mailto:janderson@henryschwartzlaw.com)

APPENDIX 19/20 – FIRST DEPT. STRIKE  
PETITIONER'S PROPER AND TIMELY  
RECORD AND BRIEF BEFORE THE SUPREME  
COURT OF THE STATE OF NEW YORK  
APPELLATE DIVISION, FIRST JUDICIAL  
DEPARTMENT,  
FILED AUGUST 31, 2023

SUPREME COURT OF THE STATE OF NEW YORK  
APPELLATE DIVISION, FIRST  
JUDICIAL DEPARTMENT

No. 2022-05698

**Present:** Hon. Anil C. Singh, Justice Presiding,  
Lizbeth González  
Tanya R. Kennedy  
Julio Rodriguez III  
Bahaati E. Pitt-Burke, Justices

GINA ROBINSON,  
*Plaintiff-Appellant-Respondent,*

- against -

FASHION DISTRICT DENTAL, ET AL.,  
*Defendants-Respondents.*

DR. DAVID STEIN, DMD, AND DR. JAY  
RASHBAUM, DMD,  
*Defendants-Respondents-Appellants*

*Appendix 19/20*

Filed On: August 31, 2023  
Motion No. 2023-03419  
Index No. NYSCEF-153436/22,  
Case No. 2022-05698

An appeal and cross appeal having been taken to this Court from an order of the Supreme Court, New York County, entered on or about December 12, 2022, and the appeal having been perfected,

And defendant-respondent Justin Rashbaum, D.M.D., individually and doing business as Fashion District Dental, having moved to strike plaintiff-appellant respondent's record on appeal and appellant'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 striking plaintiff's record on appeal and appellant's brief, and directing plaintiff to re-file a record on appeal that contains only filings made in connection with the motions decided by the order on appeal (Motion Sequence Nos. 001, 002 and 003) (see CPLR 5526) and that contains a proper table of contents briefly identifying each document included in the record (see 22NYCRR 1250.7[b][3]); plaintiff is further directed to re-file the appellant's brief,

*Appendix 19/20*

omitting any citations, references to, or discussions of, those materials hereby stricken from the record; said re-filings to be made in accordance with the time limitations for the January 2024 Term of this Court, to which the appeal is hereby adjourned. The parties are directed to 22 NYCRR 1250.9(f)(1)(ii), governing the filing of joint records and appendices by the appealing parties to a cross-appeal.

ENTERED: August 31, 2023

/s Susanna Molina Rojas  
Susanna Molina Rojas/  
Clerk of the Court

**AFFIRMATION OF SERVICE**

I affirm this 27th day of September, 2024, under the penalties of perjury, pursuant to Rule 2106 of the CPLR, under the laws of the State of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law. I affirm that I served the within Notice of Entry upon the following persons by mail:

Gina Robinson  
108 W. 63 Street, No. 22594  
Kansas City, Missouri 64113

*Appendix 19/20*

Plaintiff pro se  
ginarobinson2018@gmail.com  
The Law Offices of Henry Schwartz  
32 Court Street, Suite 908  
Brooklyn, New York 11201  
Attorneys for Defendants  
Dr. David Stein, DMD,  
Dr. Jay Rashbaum, DMD and  
Dr. Michael Abrams, D.D.S.  
janderson@henryschwartzlaw.com

/s Tasha James

---

Tasha James

*Appendix 19*

## AFFIDAVIT OF SERVICE OF MAILING

STATE OF NEW YORK COURT OF APPEALS  
COUNTY OF Albany ) ss.:

Gina Robinson, being duly sworn, deposes and says:  
On the 10 day of October, 20 24, I served a true copy  
of the annexed List of Documents by mailing the same  
in a sealed envelope, with postage prepaid thereon, to  
a post office or official depository of the U.S. Postal  
Service within the State of New York, addressed to  
the last known addressee(s) as indicated below:  
(Insert here the name(s) and address(es) of the  
person(s) to whom you are mailing the papers being  
filed with this Court. If necessary, attach extra pages  
for additional names and addresses.)

Name & Address  
Contents: List of  
Documents:

Plaintiff's Notice of  
Appeal from First Dept.  
to New York Court of  
Appeals

Name & Address  
To:

Mr. Dennis M.  
Rothman,  
Lester Schwab Katz &  
Dwyer, Up,  
100 Wall Street New  
York, NY 10005

Mr. John Anderson  
Law Offices of Henry  
Schwartz

*Appendix 19*

32 Court Street,  
Brooklyn, NY 11201

New York State Court  
of Appeals  
Clerk of the Court  
20 Eagle Street  
Albany, New York  
12207

(Signature) s/Gina Robinson  
(Print Name) Gina Robinson

Sworn to before me this 10  
Day of October, 2024  
s/ Liam Ridley  
Notary Public  
Revised: February 19, 2014

LIAM RIDLEY  
Notary Public-Notary Seal  
Jackson County - State of Missouri  
Commission Number 22330672  
My Commission Expires Dec 26,  
2026

*Appendix 19*

**REQUEST FOR ACKNOWLEDGMENT OF  
RECEIPT OF PAPERS**

Gina Robinson  
108 W. 63 Street, No. 22594  
Kansas City, MO 64113  
Ginarobinson2018@gmail.com

New York State Court of Appeals      October 10, 2024  
Clerk of the Court  
20 Eagle Street,  
Albany, New York 12207

Re:   Request For Acknowledgment  
Of Receipt Of Papers  
Gina Robinson v. Fashion District  
Dental, et. al. Case No: 2022-05698

Dear Clerk of the Court,

I, Gina Robinson, Plaintiff in the above case, am writing to notify the New York State Court of Appeals of my intent to appeal to the First Department, Appellate Division order, dated September 26, 2024, from the above case.

Please accept this self-addressed stamped envelope to return the stamped Acknowledgment of receipt of appeal documents.

*Appendix 19*

Respectfully Submitted,

**AFFIDAVIT OF SERVICE**

On this 10th day of October, 2024 a copy of this appeal and supporting documentation was mailed to Mr. Dennis M. Rothman, Lester Schwab Katz & Dwyer, Lip, I 00 Wall Street New York, NY 10005, and to, Mr. John Anderson, Law 011ices of Henry Schwartz, 32 Court Street, Brooklyn, NY 11201.

LIAM RIDLEY

Notary Public-Notary Seal

Jackson County - State of Missouri

Commission Number 22330672

My Commission Expires Dec 26, 2026

s/ Gina Robinson

Gina Robinson

**AFFIDAVIT OF SERVICE OF MAILING**

STATE OF NEW YORK COURT OF APPEALS  
COUNTY OF Albany) ss.:

Gina Robinson, being duly sworn, deposes and says:

On the 17 day of October, 20 24, I served a true copy of the annexed List of Documents by mailing the same in a sealed envelope, with postage prepaid thereon, to a post office or official depository of the U.S. Postal

*Appendix 19*

Service within the State of New York, addressed to the last known addressee(s) as indicated below:  
(Insert here the name(s) and address(es) of the person(s) to whom you are mailing the papers being filed with this Court. If necessary, attach extra pages for additional names and addresses.)

Name & Address  
Contents: List of  
Documents:

Plaintiff's Preliminary  
Statement to The New  
York Court of Appeals

Name & Address  
To:

Mr. Dennis M.  
Rothman,  
Lester Schwab Katz &  
Dwyer, Up,  
100 Wall Street New  
York, NY 10005

Mr. John Anderson  
Law Offices of Henry  
Schwartz  
32 Court Street,  
Brooklyn, NY 11201

New York State Court  
of Appeals  
Clerk of the Court  
20 Eagle Street  
Albany, New York  
12207

*Appendix 19*

(Signature) s/Gina Robinson  
(Print Name) Gina Robinson

Sworn to before me this 17

Day of October, 20 24

s/ Liam Ridley

Notary Public

Revised: February 19, 2014

LIAM RIDLEY  
Notary Public-Notary Seal  
Jackson County - State of Missouri  
Commission Number 22330672  
My Commission Expires Dec 26,  
2026

**APPENDIX 21 – PETITIONER DESCRIBES  
HER SPECIFICATIONS BY PHONE TO  
TORTFEASORS IN MOTION FOR SUMMARY  
JUDGMENT BEFORE NEW YORK,  
COUNTY SUPREME COURT  
FILED MAY 16, 2022**

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

No. 153436/2022

GINA ROBINSON,

*Plaintiff,*

V.

FASHION DISTRICT DENTAL, ET AL.,

*Defendants.*

Filed On: May 16, 2022

**BEFORE: HON.L YNN R. KOTLER, J.S.C., Justice  
Presiding,**

Calls to 212-368-0639, 2021, New York, NY

Outgoing call July 9, 2:47pm	7 minutes, 49 seconds
Outgoing call July 9, 3:12pm	18 minutes, 38 seconds
Outgoing call July 13, 3:06pm	7 minutes, 49 seconds

**APPENDIX 22 - TORTFEASORS, IN OFFICE &  
BY EMAIL RESCIND AGREEMENT TO  
PRODUCE SA PER REQUEST, PETITIONER  
RESTATES HER SPECIFICATIONS MULTIPLE  
TIMES BY EMAIL IN MOTION FOR SUMMARY  
JUDGMENT BEFORE NEW YORK,  
COUNTY SUPREME COURT  
FILED MAY 16, 2022**

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

No. 153436/2022

GINA ROBINSON,

*Plaintiff,*  
V.

FASHION DISTRICT DENTAL, ET AL.,

*Defendants.*

Filed On: May 16, 2022

**BEFORE: HON.L YNN R. KOTLER, J.S.C., Justice  
Presiding,**

Michael Abrams <michabrams725@gmail.com> Mon,  
Jul 19, 2021 at 6:59 PM  
To: D & G <4garygohome@gmail.com>

*Appendix 22*

Cc: Justin Rashbaum <drrashbaum@yahoo.com>

Hi Gina,

Glad to hear back from you! I hope you enjoyed your weekend!

We \*can\* fabricate a hawley retainer for you. What I want to make sure we are clear on is the fact that it is passive appliance that will not move your teeth. I was fully ready to make the appliance for you until you mentioned that you want springs in the appliance and for the appliance to push your teeth back into place. As I told you in person as well at our consultation, my staff, although highly knowledgeable, are not orthodontists. They were asked if we can make a hawley retainer and the answer is yes. Beyond that is up to me, the orthodontist, to evaluate your dentition and discuss with you if that is the correct appliance for the desired result.

Regarding your previous orthodontist, I can happily reach out to him to discuss your previous records and treatment plan to better navigate how you were treated in the past, but ultimately my job is to evaluate where your teeth currently are and take them where you'd like them to be. From the current lingualized position of your teeth clinically it is extremely unlikely that a spring aligner will move them anywhere. However, if you would like this mode of treatment then I would need to take a set of complete orthodontic records on you, as I had

*Appendix 22*

discussed with you at our consultation, so that I can run my own analysis of your occlusion and then present a proper treatment plan for active tooth movement based on where your teeth currently are and where they can move from there.

Yes, we are a cohesive group of doctors; not individuals running our own shows. It is because we are a cohesive group that Dr Rashbaum knows an orthodontist requires dental clearance before fabricating any kind of an appliance, passive or active, and that it was recommended for you to be examined, have radiographs taken and interpreted, and have your teeth cleaned before you even saw me. Additionally there was decay on one of your teeth which requires a restoration, an issue that if overlooked could grow into a possible root canal down the road.

However, I am the only orthodontist at this practice. Again, you asked for Hawleys over the phone and I appreciate that that is what you are expecting but based on our conversations I just don't want you to think you're getting the wrong thing or expect something other than what I fabricate, so I am trying my best to clarify.

I think the best way to move forward would be another in-person conversation to review these options with you once again and to make sure we are

*Appendix 22*

on the same page before I fabricate your appliance. We can set up an appointment for this Wednesday or Thursday if you would like, and I can go over your scan with you so you can see how far the teeth would need to move and why a spring aligner wouldnt accomplish the job. Or, if you're ok with a partial movement or no movement at all, we can solidify the plan. There would be no charge for this visit and discussion.

I would very much like to continue with you and get you the treatment you would like. Lets set up that appointment so we can get the ball rolling!

If we don't hear from you in the morning I will ask Abby to reach out to you to schedule.

Best,  
Dr Abrams

Lower Hawley  
D & G <4garygohome@gmail.com> Wed, Jul 14,  
2021 at 9:49 PM  
To: info@fashiondistrictdental.com  
Bcc: <4garygohome@gmail.com>

Hello Dr. Abrams,

It was nice meeting with you all today. I would like

*Appendix 22*

to reschedule the pick up date for Friday August 6th at noon or whatever time is available if that's okay.

I would also like to request a copy of my scans sent via email if possible.

Regarding my retainer, I would like to have the springs included in the lower Hawley retainer. This is what I talked with your office about on the phone. I scheduled the cleaning, exam and even did the x-rays today in order to make the replacement of my lost hawley possible. I was told this was necessary to replace the lower plate. I kept my end of the deal please include the springs in my lower plate because this is why I agreed to come in today.

Thank you and I look forward to hearing from you.

Gina R.

**APPENDIX 23 - PETITIONER PAID FOR SA  
IN FULL ON JULY 14, 2021, AT \$1050.00. IN  
MOTION FOR SUMMARY JUDGMENT BEFORE  
NEW YORK, COUNTY SUPREME COURT  
FILED MAY 16, 2022**

Fashion District Dental  
1410 Broadway, Suite 3004  
New York NY 10018-5030

Gina Robinson

September 9, 2021  
Account: 9468 Robinson  
Family Member Next Visit

Transaction Receipt  
6/14/2021 - 9/9/2021

**Date – Patient – Description – Provider - Amount**

7/14/2021 – Gina - D1110 Prophylaxis Adult -  
Irene Silverio – \$185.00

7/14/2021 - Gina - D0150 Comprehensive Oral  
Evaluation - Justin Rashbaum, DMD – \$135.00

7/14/2021 - Gina D0210 Intraoral- Complete  
Series - Irene Silverio – \$280.00

7/14/2021 - Gina - D8692 Replace Lost or Broken  
Retainer - Michael Abrams, DDS - \$450.00

*Appendix 23*

7/14/2021 - Gina - P2 Payment- Credit Card –  
\$-450.00

7/14/2021 - Gina - P2 Payment- Credit Card –  
\$-135.00

7/14/2021 - Gina - P2 Payment- Credit Card –  
\$-465.00

Account Balance Summary

Total: \$0.00 Current: \$0.00 30 Days: \$0.00 60  
Days: \$0.00 90 Days:

Fashion District Dental (212)391-1385 Fax:

**APPENDIX 24 - PETITIONER PAID (\$250.)  
FOR SA DELIVERED ONLY TO AN OUTSIDE  
PROVIDER, FEBRUARY 9, 2023**

Dr. Joseph Manfredi  
250 Park Avenue South Ste 202  
New York, NY 10003  
212-995-8930

02/09/2023	12:06:52
Merchant ID:	0262
Device ID:	0020
Terminal ID:	PPX1.
<b>Credit Sale:</b>	
Transaction #	2
Card Type:	Visa
Account:	xxx6
Entry:	Chip
Amount:	\$250.00
STAN:	002
Auth Code:	0095**
Batch Number:	6
Response:	AUTH/TKT
ACI Code:	E
TRANS ID:	303040*****
Mode:	Issuer
AID:	A0000*****
TVR:	0000000000
IAD:	060112*****
TSI:	E800
ARC:	80
APPN:	

**121a**

*Appendix 24*

TC: 12215\*\*\*\*\*  
ATC: 08\*\*  
APPLAB: Visa Credit

I AGREE TO PAY ABOVE TOTAL  
AMOUNT ACCORDING TO CARD ISSUER  
AGREEMENT (MERCHANT AGREEMENT  
IF CREDIT VOUCHER)

X S/ GINA ROBINSON 2/9/23  
ROBINSON/ GINA

MERCHANT COPY

**APPENDIX 25 - TORTFEASORS ARE  
REPORTED BY PETITIONER TO NEW YORK  
STATE DEPARTMENT OF HEALTH &  
OFFICE OF PROFESSIONAL MEDICAL  
CONDUCT FOR THEIR VIOLATIONS IN OSC  
BEFORE NEW YORK, COUNTY  
SUPREME COURT  
FILED JUNE 14, 2022**

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

No. 153436/2022

**GINA ROBINSON,**

*Plaintiff,*  
V.

**FASHION DISTRICT DENTAL, ET AL.,**

*Defendants.*

Filed On: June 14, 2022

**BEFORE: HON. LYNN R. KOTLER, J.S.C., Justice  
Presiding,**

October 18, 2021

Dear Sir or Madame,

*Appendix 25*

On August 31, 2021 I sent a complaint to the New York State Department of Health and the Office of Professional Medical Conduct regarding a dispute with a dental group, Fashion District Dental (FDD), that I was a patient of in New York City. My treatment with this dental group resulted in them not only withholding the services I made the appointment, and came in for, but in the dentist and his partner lying to me, misleading me and breaking New York law multiple times. This includes the most recent acts of, violation of HIPPA laws, forgery, fraud and racial discrimination. For these additional violations I would like to file a second larger, formal complaint that incorporates and references my earlier complaint, dated August 31, 2021, which is enclosed for your convenience, against:

The Dentist Dr. Justin Rashbaum, DMD -  
[drrashbaum@yahoo.com](mailto:drrashbaum@yahoo.com)

The Orthodontist Dr. Michael Abrams -  
[michabrams725@gmail.com](mailto:michabrams725@gmail.com)

The Group Fashion District Dental -  
[info@fashiondistrictdental.com](mailto:info@fashiondistrictdental.com)  
1410 Broadway, Ste. 3004, NYC 10018  
212-391-1385

**HIPPA VIOLATION**

On August 10, 2021 I submitted a payment

*Appendix 25*

dispute with my bank, USAA, for the charges, and payment, for my treatment on July 14th. On September 7th a dispute analyst sent an inquiry to FDD in order to make a decision as to whom was responsible for the charges. On October 6th, the same day I had a local 11am doctors appointment, FDD responded to USAA's inquiry. Based on their responses USAA decided I should only be refunded the cost of the dental device that I originally tried to acquire from FDD because they never gave it to me. On October 12th, during my discussion with USAA's dispute analyst, Abigail, it was revealed to me that FDD had given USAA my medical records and xrays! Abigail stated to me: "We have your x-rays right here." Not only is this irrelevant to the issue at hand, but it is a major HIPPA violation! Enclosed please find three (3) pages, 16, 17 and 18, from my complete chart sent to me on August 24th, then sent to USAA on October 6th, without my knowledge. See Exhibits A, B and C.

**FORGERY**

The HIPPA violation could not have been committed without the next criminal act committed by FDD, forgery. After my 11am discussion with Abigail at USAA I finally received the dispute/ decision documents they promised me, at 8:05pm. In those documents not only are my medical records and x-rays there, but there are

*Appendix 25*

three (3) release forms with what FDD claims are my signatures allowing them to release my records! There is no date on the wild incoherent "signatures." I had never seen those release forms in my life and they certainly did not have my signatures on them. I always put the dates on anything I sign and ask for copies. They were never included in my complete chart that I had to extract from them. I only now have copies because they were included in the documents sent to USAA's dispute analyst. This is criminal forgery. Enclosed please find three (3) pages, 19, 20 and 21, not included in my complete chart but to USAA on October 6th. See Exhibits D, E, and F.

**APPENDIX 26 - TORTFEASORS COMMIT  
MULTIPLE VIOLATIONS OF FIDUCIARY  
DUTY, FRAUD, AND THEFT OF THE SA,  
FOR UNKNOWN REASONS IN OSC BEFORE  
NEW YORK, COUNTY SUPREME COURT  
FILED JUNE 14, 2022**

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

No. 153436/2022

GINA ROBINSON,

*Plaintiff,*  
v.

FASHION DISTRICT DENTAL, ET AL.,

*Defendants.*

Filed On: June 14, 2022

**BEFORE: HON. LYNN R. KOTLER, J.S.C., Justice  
Presiding,**

Justin drrashbaum@yahoo.com Jul 24, 2021,  
to Michael, info, me 10:25 AM

Gina,  
I'm happy to proceed in whichever manner you

*Appendix 26*

choose, even refunding you the \$450 cost of the appliance as it has not been made yet (as we don't know what you want). Given the indecision about what path to pursue I'm doubtful we can even get this back by the 6<sup>th</sup> anyways at this point. Wrong. They always knew exactly what I wanted, even in writing, the night of July 14th. (pg 4.)

During the debate over this device FDD made so many conflicting statements it's hard to keep track of them, resulting in the patient being "gas-lighted":

1- Dr. Abrams offered 'partial movement' with an SA then... (See page 5)

**1- Dr. Rashbaum rescinded that offer and only wanted to give me a refund for the price of the SA, after paying them \$600. for services I didn't need otherwise. (See page 6)**

2- Dr. Rashbaum said he never saw my SA Maxillary plate and didn't know I wanted one. (See page 6)

**2- Dr. Rashbaum did see it, and knew what it was. It was used to move my teeth just fine 22 years ago.**

3- Dr. Rashbaum stated that during my visit with Dr. Abrams July 14th, I decided I wanted "ACTIVE treatment." (See page 6)

*Appendix 26*

**3-** That's not true, at no time did I ask for active treatment while speaking with Dr. Abrams.

**4-** Dr. Rashbaum said I came in to see him to have a cleaning and exam as if getting fitted for the SA, and getting the other services were two separate objectives. (See page 6)

**4-** This is not the case, I came in to have the lower SA replaced, and was told the cleaning and exam were required in order to get the SA fitted. I would not have come in for those services without the promise of getting my SA replaced

**5-** I was offered a retainer (that wont move my teeth) for \$450... (See page 6)

**5-** and then a spring aligner (that also wont move my teeth) for \$980.

**6-** Dr. Rashbaum claimed that I was indecisive!

**6-** Not true. I was repeatedly clear and decisive from the July 9th phone call and beyond. I was simply being 'gas-lighted.'

**7-** When I requested copies of the Intra Oral scans on August 13th he wrote: "Legally you

*Appendix 26*

are not entitled to the scan. We will not send it."

7 - Then on August 17th he wrote "if you'd like the photos of the scan, those can be sent."

8 - ...on August 11th Dr. Rashbaum insisted on sending the non-activated SA to my home against my wishes and said:

"I would keep it if I were you." **(Exhibit I)**

8 - Then on August 24th he said he could not send me the SA because it needed to be fit by a dental professional. Where was this professionalism and concern on August 11th? **(Exhibit J)**

9 - Even though 12 days earlier I asked Dr. Rashbaum not to send anything to my home by mail, but...

9 - ...on August 25th he tried to force a refund check for \$450 into my hands by mail, stating: "Th check will be sent out regardless. You may cash it or ignore it. We simply need documentation it was sent." – **(Exhibit K)**

10 - When I asked him how many scans there were... - **(Exhibit L)**

10 - He never answered me. – **(Exhibit L)**

*Appendix 26*

11- When I asked how much they cost  
- (Exhibit L)

11 - He simply said \$100. – (Exhibit L)

12- I asked if that was \$100 per photo or for  
the group - (Exhibit L)

12- His response was “I will send those to you  
too for a total fee of \$100. As you stated,”  
- (Exhibit L)

13- I never stated what the total fee was,  
I was asking what the total fee was.

13- Ultimately, however, Dr. Rashbaum gave  
them to me for free. Why did he ever try to  
sell them to me?

14- After finally seeing my chart and noticing  
misstatements I asked to amend the record.

14- His response was: “No patient chart will  
be amended. I’m not sure who you think you  
are and that you can bully your way into getting  
what you want with what you consider  
legal jargon.” – (Exhibit M)

The array of misdeeds and gas-lighting was  
dizzying. I responded with a request for a full  
refund:

**APPENDIX 27 - NYSC IS PRESENTED WITH  
EVIDENCE OF 3 SEPARATE FORGERIES IN  
OSC BEFORE NEW YORK, COUNTY  
SUPREME COURT  
FILED JUNE 14, 2022**

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

No. 153436/2022

GINA ROBINSON,

*Plaintiff,*  
V.

FASHION DISTRICT DENTAL, ET AL.,

*Defendants.*

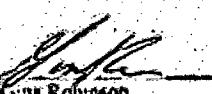
Filed On: June 14, 2022

**BEFORE: HON. LYNN R. KOTLER, J.S.C., Justice  
Presiding,**

In the meantime, below please find examples  
of my actual signature in contrast to the forged  
signatures that were applied to documents I never  
saw at Fashion District Dental:

Appendix 27

Sample A  
Gina Robinson's  
signature



Gina Robinson

Sample B  
Gina Robinson's  
signature

1/11/2010 AMH

Sample C  
Gina Robinson's  
signature



Gina Robinson

Exhibit A  
FDD False signature

By signing this form, I certify that the above information is true and correct to the best of my knowledge.  
Patient or Legal Guardian Signature (Use Stylus to Sign on Screen) Form #0400000001

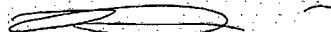
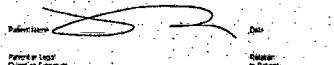


Exhibit B  
FDD False signature

By signing this form, I understand that by signing on Consent form, I am giving my power as your law and authority of my protected  
party (relative to carry out medical, payment, insurance and other arrangements).  
Patient Signature \_\_\_\_\_ Date \_\_\_\_\_  
Patient or Legal  
Guardian Signature \_\_\_\_\_ Date \_\_\_\_\_  
Relative to Patient \_\_\_\_\_ Date \_\_\_\_\_  
YOU ARE ENTITLED TO A COPY OF THIS CONSENT AFTER YOU SIGN IT.

Exhibit C  
FDD False signature



Relative to Patient \_\_\_\_\_ Date \_\_\_\_\_  
Patient or Legal  
Guardian Signature \_\_\_\_\_ Date \_\_\_\_\_  
Relative to Patient \_\_\_\_\_ Date \_\_\_\_\_

*Appendix 27*

**FRAUD**

In addition to this, included in the documents from USAA was a copy of a receipt from the spring aligner (SA) fabricators, PTW Orthodontic Laboratory, of Scarsdale, NY, that had a post-it on it stating: "Gina Robinson received her retainer, Dr. Abrams." I have never received the retainer or SA, this is fraud. In my first complaint, dated, August 31, 2021, I mentioned that they violated New York law by refusing to allow me to amend my record, or patient chart. This note on the post-it was one of several misstatements that I had intended to amend. They refused to allow me to amend my chart. They sent two (2) copies of this falsified document to USAA to include in the dispute documents. Enclosed please see pages 22 & 23. See Exhibits G and H.

**APPENDIX 28A-C - TORTFEASORS FORGE  
PETITIONERS SIGNATURE ON 3  
SEPARATE RELEASE FORMS. NO COPIES  
GIVEN TO PETITIONER & USED TO DOXX  
HER MEDICAL RECORDS IN OSC BEFORE  
NEW YORK, COUNTY SUPREME COURT  
FILED MAY 16, 2022**

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

No. 153436/2022

**GINA ROBINSON,**

*Plaintiff,*  
v.

**FASHION DISTRICT DENTAL, ET AL.,**

*Defendants.*

Filed On: May 16, 2022

**BEFORE: HON. LYNN R. KOTLER, J.S.C., Justice  
Presiding,**

## Appendix 28A-C

28A

Patient or Legal Guardian:  
Name Relationship to Patient:

By signing this form, I certify that the above information is true and correct to the best of my knowledge.

Patient or Legal Guardian Signature (Use Stylus to Sign on Screen)      Date (MM/DD/YYYY)

Patient or Legal Guardian Name.	Relationship to Patient
By signing this form, I certify that the above information is true and correct to the best of my knowledge.	
Patient or Legal Guardian Signature (Use Stylus to Sign on Screen).	
Date (MM/DD/YYYY)	



*Appendix 28A-C*

28B

**ACKNOWLEDGEMENT OF RECEIPT OF NOTICE OF  
PRIVACY PRACTICES**

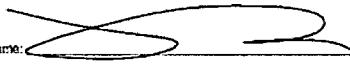
**\*\*You May Refuse to Sign This Acknowledgement\*\***

I have received: reviewed a copy of this office's Notice of  
Privacy Practices

**ACKNOWLEDGEMENT OF RECEIPT OF NOTICE OF PRIVACY PRACTICES**

**"You May Refuse to Sign This Acknowledgement"**

I have received reviewed a copy of this office's Notice of Privacy Practices

Patient Name:  Date \_\_\_\_\_  
Patient or Legal  
Guardian Signature \_\_\_\_\_ Relation to Patient \_\_\_\_\_

Fashion District Dental 7/14/2021 2:40:07 PM

*Appendix 28A-C*

28C

**CONSENT FOR USE AND DISCLOSURE OF  
HEALTH INFORMATION**

**TO THE PATIENT-PLEASE READ THE FOLLOWING  
STATEMENTS CAREFULLY.**

**Purpose of Consent** By signing this form you will consent to our use and disclosure of your protected health information to carry out treatment payment activities and healthcare operations.

**Notice of Privacy Practices** You have the right to read our Notice of Privacy Practices before you decide whether to sign this Consent. Our Notice provides a description of our treatment payment activities, and healthcare operations of the uses and disclosures we may make of your protected health information and of other important matters about your protected health information. A copy of our Notice is available upon request.

We reserve the right to change our privacy policies as described in our Notice of Privacy Practices. If we change our privacy practices we will issue a revised Notice of Privacy Practices which will contain the changes. Those changes may apply to any of your protected health information that we maintain.

*Appendix 28A-C*

28C

You may obtain a copy of our Notice of Privacy Practices including any revisions of our Notice at any time by contacting the Privacy Officer at our office.

**Right to Revoke** You will have the right to revoke this Consent at any time by giving us written notice of your revocation submitted to the Privacy Officer at our office. Please understand that revocation of this consent will not affect any action we took in reliance on this Consent before we received your revocation and that we may decline to treat you or to continue treating you if you revoke this Consent.

**SIGNATURE** - I have had full opportunity to read and consider the contents of this Consent form and your Notice of Privacy Practices. I understand that by signing this Consent form, I am giving my consent to your use and disclosure of my protected health information to carry out treatment, payment activities and health care operations.

Patient Name \_\_\_\_\_ Date: \_\_\_\_\_

Patient or Legal \_\_\_\_\_ Relation \_\_\_\_\_  
Guardian Signature to Patient: \_\_\_\_\_

**YOU ARE ENTITLED TO A COPY OF THIS  
CONSENT AFTER YOU SIGN IT.**

## Appendix 28A-C

28C

## CONSENT FOR USE AND DISCLOSURE OF HEALTH INFORMATION

## TO THE PATIENT—PLEASE READ THE FOLLOWING STATEMENTS CAREFULLY:

**Purpose of Consent:** By signing this form, you will consent to our use and disclosure of your protected health information to carry out treatment, payment activities, and healthcare operations.

**Notice of Privacy Practices:** You have the right to read our *Notice of Privacy Practices* before you decide whether to sign this Consent. Our Notice provides a description of treatment payment activities, and healthcare operations, we may make of your protected health information, and of other important matters about your protected health information. A copy of our Notice is available upon request.

We reserve the right to change our privacy practices as described in our *Notice of Privacy Practices*. If no change in privacy practices, we will send a revised *Notice of Privacy Practices*, which will contain the changes. These changes may apply to any of your protected health information that we maintain.

You may obtain a copy of our *Notice of Privacy Practices*, including any revisions of our Notice, at any time by contacting the Privacy Officer at our office.

**Right to Revise:** You retain the right to revise this Consent at any time by giving us written notice of your intention addressed to the Privacy Officer at our office. Please understand that revision of this Consent will not affect any action we took in reliance on this Consent before we received your revocation, and that we may decline to treat you or to continue treating you if you revise this Consent.

**SIGNATURE:** I have had full opportunity to read and consider the contents of this Consent form and your *Notice of Privacy Practices*. I understand that, by signing this Consent form, I am giving my consent to your use and disclosure of my protected health information to carry out treatment, payment activities, and healthcare operations.

Patient Name: \_\_\_\_\_ Date: \_\_\_\_\_

Patient or Legal  
Guardian Signature: \_\_\_\_\_ Relation  
to Patient: \_\_\_\_\_

YOU ARE ENTITLED TO A COPY OF THIS CONSENT AFTER YOU SIGN IT.

Fashion District Dental 7/14/2021 2:40:07 PM

FileNumber: 202107142407PM

**APPENDIX 29A-E - TORTFEASORS TAUNT  
PETITIONER TO SUE THEM IN COURT  
AFTER REFUSING A FULL REFUND OR THE  
SA, IN MOTION FOR SUMMARY JUDGMENT  
BEFORE NEW YORK,  
COUNTY SUPREME COURT  
FILED MAY 16, 2022**

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

**No. 153436/2022**

**GINA ROBINSON,**

*Plaintiff,*  
v.

**FASHION DISTRICT DENTAL, ET AL.,**

*Defendants.*

**Filed On: May 16, 2022**

**BEFORE: HON. LYNN R. KOTLER, J.S.C., Justice  
Presiding,**

*Appendix 29A-E*

29A

justin rashbaum <drrashbaum@yahoo.com>  
Wed, Aug 11, 2021 at 5:16 PM  
To: D & G <4garygohome@gmail.com>, Mike  
Abrams Perio/ortho <michabrams725@gmail.com>

Gina,

I did not even read your email, as no matter what you say, there is nothing that I can say to have you understand any position other than your own. If you'd like to take me to court, feel free to do so. Your threats do not move me in any way, shape or form. I'm not even sure if you understand how the legal system works, as it pertains to this case. I will not be paying for any of your court fees, which any case, would likely begin at the minimum 3 years from now. This is a case of principle for me, not of money. You have insulted me, my staff and your emails are fraught with untruths. You have taken zero responsibility in any aspect of this, which is unfortunate, and now want compensation for rendered treatments. Your comments are beyond comprehension. I do not believe we are under any legal obligation to give you any portion of your money back. Anything I prior offered was out of courtesy. No such courtesy exists any longer. I will send you your retainer. I would keep it if I were you, in case any court requires you to return it upon any favorable judgment to you (which I doubt). It's a shame it has come to this because we have been

*Appendix 29A-E*

29A

cordial and professional up to this point, but you've exhausted our patience with your abusive tone and words. Please note, you will not be responded to again so no need to send any email. I will communicate with your credit card company or a court. That's it.

Dr. Justin Rashbaum  
Fashion District Dental  
1410 Broadway Suite 3004  
NY, NY 10018  
Ph: 212.391.1385

29B

Re: Fashion District Dental Patient Dismissal  
Notification  
D & G <4garygohome@gmail.com>  
To: justin rashbaum <drrashbaum@yahoo.com>  
Cc: Michael Abrams <michaelabrams725@gmail.com>  
Bcc: <4garygohome@gmail.com>

Hello Dr. Rashbaum,

1. G: I will ask you again not to mail anything to my home. I have asked you not to do this 12 days ago so there is no reason for you to claim my request came too late this time:

*Appendix 29A-E*

29B

Fri, Aug 13, 2:39 PM (12 days ago)

Dr. Rashbaum,

Please do not send me anything via mail.

2. G: I will send a messenger to pick up the "study model" as soon as you tell me it is ready for pick up.

G: You seem to zig when I zag. If I want to go to court you want to settle out, if I want to settle out you want to go to court, if I dont want the retainer sent to me, you want to force it into my hands, if I want it sent (activated), you want to withhold it.

Aug 11, 2021, 5:17 PM

J: I will send you your retainer. I would keep it if I were you, in case any court requires you to return it upon any favorable judgment to you (which I doubt).

Aug 20, 2021, 3:30 PM (5 days ago)  
to Michael, me

J: Gina,  
You may pick up the inactivated retainer and have it activated elsewhere.

*Appendix 29A-E*

29B

Aug 24, 2021, 4 07 PM (19 hours ago)  
to me, Michael

J: I cannot send you the retainer because it is an appliance, that if not deemed passively fit by a dental professional, can cause unwarranted active tooth movement.

3. G: This is yet another of nearly 10 (ten) contradictory or misleading statements made by you since July 14th.

4. G: I am formally requesting to amend the record and will include an amendment statement under separate cover and you can either make the changes in your record and allow me to review it.

5. G: You still have not included the full collection of scans taken by Dr. Abrams on July 14th. You are required to provide these and you already agreed to send hem.

August 17th  
"If however, you'd like the photos of the scan (all angles of your teeth), those can be sent.

6. G: Please remove the post-it note from the lab prescription and resend. That comment on the post-it note is false but I will address this in the amendment of

*Appendix 29A-E*

29B

the chart.

justin rashbaum <drrashbaum@yahoo.com> Tue, Aug 24, 2021 at 4:07 PM  
To: D & G <4garygohome@gmail.com>  
Cc: Michael Abrams <michabrams725@gmail.com>

J: Since you do not have the retainer in your possession (even though there is nothing wrong with the fabrication of the appliance),

J: I cannot send you the retainer because it is an appliance, that if not deemed passively fit by a dental professional, can cause unwarranted active tooth movement. Your retainer is meant to fit passively before the springs are activated at the delivery visit to create tooth movement.

G: This is a direct contradiction to what Dr. Abrams said to me in the chair on July 14th. He said "I want you to be aware that the device you will be getting will not move your teeth, it will only keep them in place." Per contract you were supposed to inform me of the complete process but you did not.

J: Please expect a check in the mail.

*Appendix 29A-E*

29B

G: Please do not mail anything to me ever.

J: We consider this matter closed on our behalf. If this is not amenable to you, we have already outlined the other outlets you may pursue.

G: I await your response to the above requests, particularly regarding the options for amending the record and sending those scans. The matter is not closed, unfortunately, until I get what I legally requested. Per New York Law you are required to respond to these requests.

Sincerely,  
Gina Robinson

29C

Re: Fashion District Dental Patient Dismissal  
Notification  
Justin <drrashbaum@yahoo.com> Thu, Aug 19,  
2021 at 5:38 PM  
To: D & G <4garygohome@gmail.com>

Gina,

At this point, out of principle, I would prefer a court to decide the logic, accuracy and veracity of any of the

*Appendix 29A-E*

29C

multitude of inaccurate statements you have made and continue to make. The only response we will give you is that we have rendered all the treatments for which you paid, given you all treatment notes and xrays and will, when you agree to accept it, send the retainer to you for which you paid. I refuse to reason or negotiate further with you.

Dr. Justin Rashbaum  
212.391.1385  
Email: drrashbaum@yahoo.com  
Office website: fashondistrictdental.com

On Aug 19, 2021, at 12:59 PM, Michael Abrams <michabrams725@gmail.com> wrote:

----- Forwarded message -----

From: D & G <4garygohome@gmail.com>  
Date: Thu, Aug 19, 2021 at 1:59 PM  
Subject: Re: Fashion District Dental Patient Dismissal Notification  
To: justin rashbaum <drrashbaum@yahoo.com>  
CC: Michael Abrams <michabrams725@gmail.com>

Hello Dr. Rashbaum,

I hope we can wrap this up. I remember asking Dr. Abrams if the scan meant they no longer had to use the

*Appendix 29A-E*

29C

gooey stuff to make the cast and he said they don't have to. Why was a cast of my mouth made then? Regardless, if a rubber cast was made of my teeth it's part of my chart and I'd like to have it.

As for the scans I hoped they would be downloadable (or disk-able) as a 3D model as seen on shopping or real estate sites where the whole model is able to be maneuvered the way Dr. Abrams showed me on the screen.

I really am not trying to be difficult. Please consider the statement you made on August 13th -

"The scan we took was simply to be able to fabricate your retainer. Legally you are not entitled to the scan. We will not send it."

And then the one you made on August 17<sup>th</sup>

"If however, you'd like the photos of the scan (all angles of your teeth), those can be sent."

Can you see how this can lead to misdirection? If you say it cannot be transferred as a file then how many images are there in total? Is the charge \$100 for each of these images? Per ADA New CDT Codes 2021 updates.

*Appendix 29A-E*

29D

justin rashbaum <drrashbaum@yahoo.com> Mon,  
Nov 22, 2021 at 3:11 PM  
To: "D. & G." <4garygohome@gmail.com>

Hi Gina,

So far our office has received no word from USAA regarding your dispute, which is past the 45 days your credit company should have settled this matter. I will offer you the option of the 3 of us getting on a joint call with them as a resolution to this matter. If not, unfortunately I will have to move forward with a small claims lawsuit ....which I don't want to do but will do on matter of principle if we cannot resolve this amicably. Your credit card company will not speak to me without you on the line.

Dr. Justin Rashbaum  
Fashion District Dental  
1410 Broadway Suite 3004  
NY, NY 10018  
Ph: 212.391.1385

*Appendix 29A-E*

29E

Re: Fashion District Dental Patient Dismissal  
Notification  
justin rashbaum <drrashbaum@yahoo.com> Tue,  
Aug 24, 2021 at 4:07 PM  
To: D & G <4garygohome@gmail.com>  
Cc: Michael Abrams  
<michabrams725@gmail.com>

Gina,

Attached are your full series of x-rays, lab script and treatment notes. We will be sending you a refund check for \$450 (the cost billed to you for your Hawley Retainer). The reason why we are issuing you a refund check is because, per the termination letter recently sent, you will only be seen for emergency purposes only. This is customary when a patient is dismissed from a practice. As this retainer installation is not an emergency and we do not feel comfortable seeing you in the office due to what has transpired, we are refunding you the cost of the retainer. All other services will not be refunded as they are considered 'delivered services.'

Since you do not have the retainer in your possession (even though there is nothing wrong with the fabrication of the appliance), we do not want to keep these funds. If you would like to pick up the study model from which your retainer was fabricated, I will

*Appendix 29A-E*

29E

make this available to you at no charge.

I cannot send you the retainer because it is an appliance, that if not deemed passively fit by a dental professional, can cause unwarranted active tooth movement. Your retainer is meant to fit passively before the springs are activated at the delivery visit to create tooth movement. If we mail you the retainer without checking for passive fit and your teeth move in a manner we do not want, we are responsible for remedying the case.

Please expect a check in the mail. We consider this matter closed on our behalf. If this is not amenable to you, we have already outlined the other outlets you may pursue.

Dr. Justin Rashbaum  
Fashion District Dental  
1410 Broadway Suite 3004  
NY, NY 10018  
Ph: 212.391.1385

4 attachments  
Gina Robinson.JPG, 293K  
Gina Robinson Tx Notes.pdf, 308K  
Lab Script.pdf, 121K  
Termination Letter.pdf

*Appendix 29A-E*

29E

D&G4garygohome@gmail.com Aug 25,  
2021, 11:52 AM  
to justin, Michael, bcc: me

G: It is not what I asked for and you should have let me know activation was part of the process as we entered into a contract for this device.

**APPENDIX 30 - PETITIONER PAID FOR  
TREATMENT AFTER DEVELOPING HIVES  
FOR 6 MONTHS, OCTOBER 6, 2021, AT \$479.98.  
IN MOTION FOR SUMMARY JUDGMENT  
BEFORE NEW YORK, COUNTY  
SUPREME COURT  
FILED MAY 16, 2022**

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

No. 153436/2022

GINA ROBINSON,

*Plaintiff,*  
v.

FASHION DISTRICT DENTAL, ET AL.,

*Defendants.*

Filed On: May 16, 2022

**BEFORE: HON. LYNN R. KOTLER, J.S.C., Justice  
Presiding,**

*Appendix 30*

**BILL FROM INSTITUTE FOR FAMILY HEALTH**

My Chart/ MiRecord  
The Institute For Family Health

**Billing Summary**

Institute For Family Health  
Health Care Services  
Guarantor #732\*\*\* (Gina Robinson)  
Patients included: You

Your Balance	Can't pay all at once?
\$430.00	sign up to pay \$86.00
[Pay Now]	[Set up payment plan]

[View balance details](#)  
[Manage financial assistance](#)  
[Contact customer service](#)

If you would like to receive paper statements, you may  
[Cancel paperless billing](#).

*Appendix 30*

RECEIPT FOR HIVES MEDICATION

DUANE READE"  
By WALGREENS  
#14165 380 AMSTERDAM AVE  
NEW NY 10024  
212-579-7246

156 8643 0002 10/06/2021 2:49PM

\*\*\*\*\*10MG Liquigel 4OS  
FSA \*\*\*\*\* \$19.99

Return Value \$19.99

TOTAL	\$19.99
DEBIT CARD	\$19.00
AUT CODE	H36***
CHANGE	.00

SALE  
AID A000000098\*\*\*\*  
US DEBIT  
Integrated chip card  
PIN Verified

TOTAL FSA ITEMS	\$19.00
TOTAL RX ITEMS	0.00
TOTAL FSA AND RX	\$19.00
RFN# 1416-5028-6439-****_****	

*Appendix 30*

RECEIPT FOR HIVES MEDICATION

DUANE READE"  
By WALGREENS  
#14165 380 AMSTERDAM AVE  
NEW NY 10024  
212-579-7246

145 \*\*\*\* 0032 10/06/2021 2:39PM

\*\*\*\*\*10MG Liquidgel 4OS  
FSA RX\*\*\* \$29.99

Return Value \$19.99

<b>TOTAL</b>	<b>\$29.99</b>
<b>DEBIT CARD</b>	<b>\$29.00</b>
<b>AUT CODE</b>	<b>H36***</b>
<b>CHANGE</b>	<b>.00</b>

SALE  
AID A000000098\*\*\*\*  
US DEBIT  
Integrated chip card  
PIN Verified

<b>TOTAL FSA ITEMS</b>	<b>\$0.00</b>
<b>TOTAL RX ITEMS</b>	<b>\$29.00</b>
<b>TOTAL FSA AND RX</b>	<b>\$29.00</b>
<b>RFN# 1416-5324-1183-****-****</b>	

**APPENDIX 31 - TORTFEASORS TERMINATE  
PETITIONER AS A PATIENT WITHOUT  
CAUSE AND INCOMPLETE CONTRACT,  
IN MOTION FOR SUMMARY  
JUDGMENT BEFORE NEW YORK,  
COUNTY SUPREME COURT  
FILED MAY 16, 2022**

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

**No. 153436/2022**

**GINA ROBINSON,**

*Plaintiff,*  
V.

**FASHION DISTRICT DENTAL, ET AL.,**

*Defendants.*

**Filed On: May 16, 2022**

**BEFORE: HON. LYNN R. KOTLER, J.S.C., Justice  
Presiding,**

*Appendix 31*

TORTFEASOR TERMINATION LETTER

FASHION DISTRICT  
DENTAL

1410 Broadway, Suite 3004  
New York, NY 10018  
Phone: (212) 391-1385  
Fax: (212) 391-8540

August 13, 2021

To Gina Robinson;

Please be advised that my associates and I will no longer be able to treat you as a patient. The termination of our physician/patient relationship will be effective in 30 days from the date of this letter in an effort to treat any dental emergencies that may occur before you can reasonably find another dental provider.

As per your x-rays, clinical examination and intraoral photo taken; a fracture line exists on the occluso-distal of tooth #31 along with occlusal enamel caries on tooth #30. Interceptive treatment is required to prevent these findings from progressing. These restorations can be completed without any modification to your fabricated retainer.

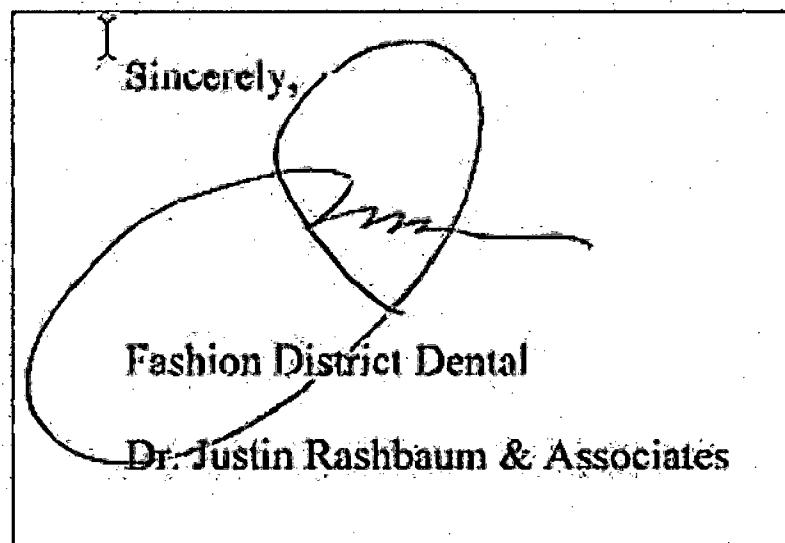
Upon written authorization, a copy of your dental

*Appendix 31*

record and fabricated retainer will be sent to your new dentist. A record release form is enclosed. You are currently in possession of your treatment notes, dental x-rays, and intraoral photo taken.

Sincerely,

s/ Justin Rashbaum  
Fashion District Dental



**APPENDIX 32 - TORTFEASORS REFUSE A  
REFUND WITHOUT PETITIONER SIGNING  
HER RIGHTS AWAY WITH AN NDA IN MOTION  
FOR SUMMARY JUDGMENT BEFORE NEW  
YORK, COUNTY SUPREME COURT  
FILED MAY 16, 2022**

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

No. 153436/2022

GINA ROBINSON,

*Plaintiff,*  
V.

FASHION DISTRICT DENTAL, ET AL.,

*Defendants.*

Filed On: May 16, 2022

**BEFORE: HON. L YNN R. KOTLER, J.S.C., Justice  
Presiding,**

*Appendix 32*

Fwd: Fw: (Solutionreach) A message from one  
of your patients

justin rashbaum <drrashbaum@yahoo.com>

Tue, Aug 3, 2021 at 10:39 PM

To: D & G <4garygohome@gmail.com>

Cc: Mike Abrams Perio/ortho

<michabrams725@gmail.com>

Gina,

Good evening. My office has tried greatly to be accommodating to your email requests of answering your questions by email instead of customarily speaking with Dr. Abrams in person and/or by phone. Our office has tried to have you come in to try in the appliance that was fabricated for you and answer your questions and/or concerns with Dr. Abrams himself. I appreciate the thought processes you have with regard to your tooth movement (and commend you on your interest in your oral care), but in the end, Dr. Abrams is the only orthodontist amongst the three of us and he has not received the courtesy of speaking to you in person beyond your initial visit. Surely, if there was an appliance you were ultimately not happy with, he/we would gladly refund the money you spent on such an appliance.

I want to be clear that per all you initial emails and inquiries to me (and I have gone over them) , you requested a Hawley Retainer (not a Hawley with

*Appendix 32*

Spring Aligner), as you stated you lost your prior one in 2017. Only after you met with Dr. Abrams did you reveal you wanted your teeth moved, which is where this miscommunication seemingly arose from.

I understand you only wanted the cleaning because you thought we were holding the fabrication of your retainer 'hostage' unless you received a cleaning. Regardless of my feeling that you had not had a cleaning since 2017, I am willing to refund you the cost of your dental cleaning. I am also willing to refund you the cost of your retainer (and absorb the lab fee incurred), because it seems we cannot resolve this situation with your retainer.

However, as I was cleaning your teeth, I made you aware of dental decay and fractures on teeth in the lower right quadrant of the mouth, which will continue to progress. I took photos of these and sent them to you per your request. I also recommended a full series of x-rays based on these intraoral findings, which was optional, and made clear to be independent of the retainer fabrication. As you had told me you had not had a visit to the dentist since 2017, I remember you saying you had "set aside money for dental care so to go ahead and take them." At your request, I recently sent your full series of X-rays to you, as well.

In fairness, the cost of your dental x-rays (as you also

*Appendix 32*

have them in your possession) and your comprehensive dental exam (with intraoral photo) are legitimate services that would be independent of a refund. As prior stated, I am willing to offer you reimbursement for your dental cleaning and the cost of retainer to close this chapter and allow you to pursue alternative care. I hope this is satisfactory to you. With any refund given, we would have a disparagement waiver for you to sign, prior to receiving any return of funds.

I hope this is amenable to you.

Please let me know how you wish to proceed.

Hope all is well.

Dr. Justin Rashbaum  
Fashion District Dental  
1410 Broadway Suite 3004  
NY, NY 10018  
Ph: 212.391.1385

**APPENDIX 33 - TORTFEASORS MAKE  
FALSE STATEMENT THAT PETITIONER  
ALREADY RECEIVED HER SA IN MOTION  
FOR SUMMARY JUDGMENT BEFORE NEW  
YORK, COUNTY SUPREME COURT  
FILED MAY 16, 2022**

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

No. 153436/2022

GINA ROBINSON,

*Plaintiff,*  
V.

FASHION DISTRICT DENTAL, ET AL.,

*Defendants.*

Filed On: May 16, 2022

**BEFORE: HON. LYNN R. KOTLER, J.S.C., Justice  
Presiding,**

*Appendix 33*

POST-IT WITH FALSE STATEMENT IS  
ATTACHED TO FABRICATOR ORDER FORM

*“Gina Robinson Received Her Retainer”*  
– Dr. Abrams

PTW

Orthodontic Laboratory  
7 Appletree Lane  
Scarsdale, NY 10583  
914-723-7061  
914-472-2502  
email. PTWOrtholab@verizon.net

**APPENDIX 34 - TORTFEASORS MAKE  
FALSE STATEMENT PETITIONER  
REFUSED SA FOR ILLEGITIMATE  
REASONS IN DOXXED MEDICAL RECORDS  
IN MOTION FOR SUMMARY JUDGMENT  
BEFORE NEW YORK, COUNTY  
SUPREME COURT  
FILED MAY 16, 2022**

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

No. 153436/2022

**GINA ROBINSON,**

*Plaintiff,*  
V.

**FASHION DISTRICT DENTAL, ET AL.,**

*Defendants.*

Filed On: May 16, 2022

**BEFORE: HON. LYNN R. KOTLER, J.S.C., Justice  
Presiding,**

*Appendix 34***ILLEGAL TRANSFER OF PETITIONER'S  
MEDICAL RECORDS TO 3<sup>RD</sup> PARTY  
INCLUDING FALSE STATEMENT**

We have already processed a credit on.....(Please attach a copy of credit slip)

We have refunded card holder by other means  
(Please provide supporting documents)

Other- Please provide all information available

"This patient 100% agreed to and received our treatment rendered. She simply refused her retainer that was made for her. She refused to even come and have it inserted because she felt it was not to her liking. We did the exam, cleaning and x-rays, which she openly admits to in email (attached). There is nothing to suggest otherwise."

Mail documents to Nortt1 American Bancard  
Chargeback department  
250 Stephenson Hwy  
Troy, MI 48083  
Phone (877) 804-4072  
Fax documents to: (248) 283-6063  
Email [epxescalations@myresourceportal.com](mailto:epxescalations@myresourceportal.com)

*Appendix 34*

**Transaction Record(S)**

**Reference Number**

24377351196000\*\*\*\*\*

**Card Number**

\*\*\*\*\*

**Merchant Number**

3130032622336

**Case Number**

C3EXVU89J390YFK41BT

**Invoice Number**

3548\*\*\*

**Transaction Amount**

1.050.00

**Merchant Reference**

243i735119600000804919

**Authorization Code**

H38803

**Posting Date**

2021-07-14 18:37:00

**Transaction Date**

*Appendix 34*

202'-07-14

**Merchant Name**  
Fashion District Dental

**Reason**  
Merchandise/Services Not  
Received

**Authorization Record(S)**

**Card Number**

\*\*\*\*\*

**Merchant Number**  
3130032622336

**Transaction Amount**

1,050.00

**Transaction Identifier**  
243773511960000\*\*\*\*\*

**Authorization Code**

H38803

**Authorization Amount**

1,050.00

**Authorization Date**

*Appendix 34*

**Authorization Vendor**

V

**Expiration Date**

**POS Entry Mode**

EMV Chip Read

**CVV Results**

**AVS Code**

In accordance with Visa regulations the authorization logs me being supplied as supporting documentation.

APPENDIX 35 - FIRST DEPT. STRIKES  
PETITIONER'S ACCEPTED RECORD & BRIEF  
(DOCS. NOS. 23-25) AT THE BEHEST OF  
DEFENDANT'S, CONTRADICTING COURT  
RULES, BEFORE THE SUPREME COURT OF  
THE STATE OF NEW YORK APPELLATE  
DIVISION, FIRST JUDICIAL DEPARTMENT,  
DATED JUNE 8, 2023

SUPREME COURT OF THE STATE OF NEW YORK  
APPELLATE DIVISION, FIRST JUDICIAL  
DEPARTMENT

No. 153436/2022

GINA ROBINSON,

*Plaintiff,*  
V.

FASHION DISTRICT DENTAL, ET AL.,

*Defendants.*

Filed On: June 8, 2023

**BEFORE:** Anil C. Singh, Justice Presiding,  
Lizbeth González  
Tanya R. Kennedy  
Julio Rodriguez III  
Bahaati E. Pitt-Burke,

*Appendix 35*

17. Notice Of Motion W/ Supporting Documents Including Exhibits (Motion #2485 "Corrected")  
Motion To Certify Record And Transcript & To Accepts Brief, Record & Transcript As Sufficient To Perfect Appeal  
Robinson, Gina (Pro Hac/ Pro Se) Filed 05/19/2023 Received 06/02/2023  
PROCESSED Confirmation Notice
18. \*\*\*DELETED\*\*\*
19. A APPLICATION FOR INTERIM RELIEF W/SUPPORTING DOCUMENTS INCLUDING EXHIBIT(S)  
Returned For Correction
20. LETTER REQUEST FOR EXTENSION -  
Plaintiff-Appellant Requests 60 Day Extension To Perfect Appeal  
Robinson, Gina (Pro Hac/ Pro Se) Filed 05/22/2023  
Received 05/22/2023  
PROCESSED Confirmation Notice
21. LETTER REQUEST FOR EXTENSION -  
Defendants Stein/Jay Rashbaum Cross-Appellants' Request For Extension Of Time To Perfect Appeal  
SCHWARTZ, HENRY R.  
Filed: 05/23/2023

*Appendix 35*

Received: 05/23/2023  
PROCESSED Confirmation Notice

22. ORDER Court User Filed: 05/31/2023  
Received: 05/31/2023 PROCESSED  
Confirmation Notice

23. \*\*\*DELETED\*\*\*

24. \*\*\*DELETED\*\*\*

25. \*\*\*DELETED\*\*\*

26. NOTE OF ISSUE "Corrected" robinson, gina  
(Pro Hac / Pro Se) Filed: 06/08/2023 Received:  
06/27/2023 PROCESSED Confirmation Notice

27. RECORD ON APPEAL - ADDITIONAL  
VOLUME - Returned For Correction

28. RECORD ON APPEAL - ADDITIONAL  
VOLUME - Returned For Correction

29. RECORD ON APPEAL - ADDITIONAL  
VOLUME - Returned For Correction

30. RECORD ON APPEAL - ADDITIONAL  
VOLUME - Returned For Correction

31. AFFIDAVIT OR AFFIRMATION IN  
OPPOSITION (Motion #2485) ROTHMAN,  
DENNIS MICHAEL Filed: 06/13/2023

*Appendix 35*

Received: 06/13/2023  
PROCESSED Confirmation Notice

31. AFFIDAVIT OR AFFIRMATION IN  
OPPOSITION (Motion #2485) SCHWARTZ,  
HENRY  
R. Filed: 06/13/2023  
Received: 06/13/2023  
PROCESSED Confirmation Notice

**APPENDIX 36 – ACCEPTED NOTE OF ISSUE  
REMAINS FROM PETITIONER'S FILED  
RECORD & BRIEF (JUNE 8) BEFORE THE  
SUPREME COURT OF THE STATE OF NEW  
YORK APPELLATE DIVISION, FIRST  
JUDICIAL DEPARTMENT,  
FILED JUNE 8, 2023**

**SUPREME COURT OF THE STATE OF NEW YORK  
APPELLATE DIVISION, FIRST  
JUDICIAL DEPARTMENT**

No. 2022-05698

**GINA ROBINSON,**

*Appellant,*

V.

**FASHION DISTRICT DENTAL, ET AL.,**

*Respondents.*

Filed On: June 8, 2023

Cases: NYSCEF-153436/2022, NYSCEF-2022/05698

**BEFORE:** Anil C. Singh, Justice Presiding,  
Lizbeth González  
Tanya R. Kennedy  
Julio Rodriguez III  
Bahaati E. Pitt-Burke,

## Appendix 36

NOTE OF ISSUE  
APPELLATE DIVISION – FIRST DEPARTMENT  
Pursuant to Rule 600.15(c)  
SUPREME COURT OF THE STATE OF NEW YORK  
APPELLATE DIVISION – FIRST DEPARTMENT

GINA ROBINSON,  
Plaintiff/Petitioner  
V  
FASHION DISTRICT  
DENTAL; JUSTIN  
RASHBAUM; JAY RASHBAUM;  
DAVID STEIN & MICHAEL ABRAMS  
Defendant/Respondent  
NOTE OF  
ISSUE  
NEW YORK  
COUNTY  
INDEX NO.  
153436/2022  
APPELLATE  
DIVISION  
CASE NO.  
2022/05698

1. The term for which noticed. September 2023
2. The date of the Notice of Appeal. December 19, 2022
3. The date Judgment or Order was entered. December 9, 2022
4. Name of the Justice who made the decision. Hon. Lynn R. Kotler
5. The nature of the appeal or cause. Abridgment of Plaintiff's 14th Amendment rights & Conversion

*Appendix 36*

6. The Index (153436/2022) number and Appellate Division case number, 2022/05698

---

Original and one copy to be filed with proof of service.

**APPENDIX 37 - NYSC CERTIFICATION DESK  
CERTIFIES PETITIONER'S RECORD JUNE 1,  
2023 BEFORE NEW YORK, COUNTY  
SUPREME COURT  
FILED JUNE 1, 2023**

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

No. 153436/2022

**GINA ROBINSON,**

*Plaintiff,*  
V.

**FASHION DISTRICT DENTAL, ET AL.,**

*Defendants.*

Filed On: June 1, 2023

**BEFORE: HON.L YNN R. KOTLER, J.S.C., Justice  
Presiding,**

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

Gina Robinson  
*Plaintiff /Petitioner*

Index Number:  
153436/ 2022

*Appendix 37*

Vs.

Fashion District Dental      CERTIFICATION  
Justin Rashbaum, Jay Rashbaum,  
David Stein & Michael Abrams  
*Defendant / Respondent*

I, Milton A. Tingling, New York County Clerk,  
and Clerk of the Supreme Court of New York  
County, do hereby certify that the documents listed  
on the attached rider constitutes the record / part of  
the record we have on file.

Dated: 1<sup>st</sup>, day of JUNE, 2023

s/ Milton A Tingling  
New York County Clerk, and  
Clerk of the Supreme Court,  
New York County

**CERTIFICATION I**

**APPENDIX 38 – TORTFEASORS GRANTED  
APPLICATION FOR EXPEDITED SERVICE  
AND/OR INTERIM RELIEF BEFORE THE  
APPELLATE DIVISION, FIRST DEPARTMENT  
FILED AUGUST 4, 2023**

**SUPREME COURT OF THE STATE OF NEW YORK  
APPELLATE DIVISION, FIRST  
JUDICIAL DEPARTMENT**

No. 2022 - 05698

GINA ROBINSON,

*Appellant,*  
V.

FASHION DISTRICT DENTAL, ET AL.,

*Respondents.*

Filed On: August 4, 2023

Cases: NYSCEF-153436/2022, NYSCEF-2022/05698

**BEFORE:** Lizabeth González, Justice Presiding,

Date: August 3, 2023

Case # 2022 - 05698

Index/Indict/Docket# 153436/ 2022

### Appendix 38

Title Gina Robinson v. Fashion District Dental et al.  
of  
Matter Fashion District Dental; Dr. Justin  
Rashbaum, DMD; Dr. David Stein, DMD; Dr. Jay  
Rashbaum, DMD; Dr. Michael Abrams, DDS

Appeal by Order(x) Supreme(x) County New York  
Plaintiff from Judgment( ) of Surrogate's( )  
Decree( ) Family( ) Court entered on 12/9, 2022

Name of Notice of Appeal  
Judge · Hon. Lynn R. Kotler filed on -12/19, 2022

If from administrative determination, state agency \_\_\_\_\_

Nature of Negligence, breach of contract, fraud,  
action or (34 causes of action in complaint) regarding  
proceeding the fabrication and delivery of a dental  
retainer.

### Provisions of (X) order

( ) Judgment appealed from 1) Plaintiff/  
( ) decree Appellant appealed from  
entire order 2) Defendants/ Respondents/ Cross –  
Appellants Stein and Jay Rashbaum appealed from  
grant of SJ to Plaintiff and denial of SJ on 3<sup>rd</sup> cause of  
action.

This application by appellant is for An enlargement of time to September 6, 2023 (October Term) to allow

*Appendix 38*

Respondents' /Cross –Appellants to file the  
Respondents' Brief and the Cross-Appellant's Brief.

If applying for a stay, state reason why requested \_\_\_\_\_  
No application for stay.

Has any undertaking been posted No If "yes", state amount and type \_\_\_\_\_

Has application been made to court below for this relief No If "yes", state Disposition \_\_\_\_\_  
Has there been any prior Application here in this court and nature Please  
See attached letter below (Exhibit A)

Has adversary been advised of this application Yes Does he/she consent No

<u>Attorney for Movant</u>	<u>Attorney for Opposition</u>
<u>Mr. Henry Schwartz, Esq</u>	Name <u>Gina Robinson</u>
<u>LAW OFFICES OF</u>	Address <u>200 West 80th</u>
<u>HENRY SCHWARTZ</u>	<u>5N</u>
<u>32 Court Street, Suite 908</u>	<u>New York, NY 10024</u>
<u>Brooklyn, New York</u>	<u>Tel. No. 646-266-1142</u>
<u>11201, (718) 222-3118</u>	Email <u>ginarobinson2018@gmail.com</u>

*Appendix 38*

DISPOSITION

Motion granted. Appeal adjourned to the October  
2023 Term.

---

s/ Bahaati E. Pitt-Burke 8 / 4, 2023  
Justice Date  
Hon. Bahaati E. Pitt-Burke

**Motion Date** \_\_\_\_\_ **Opposition** \_\_\_\_\_  
**Reply** \_\_\_\_\_  
EXPEDITE \_\_\_\_\_ PHONE ATTORNEYS \_\_\_\_\_  
DECISION BY \_\_\_\_\_  
ALL PAPERS TO BE SERVED PERSONALLY  
electronically/via NYSCEF TAF  
Court Attorney  
No appearances had on interim application.

**APPENDIX 39 – (AIR) REQUESTED BY  
TORTFEASORS TO ADJOURN FROM  
MARCH TO MAY 2024 TERM BEFORE THE  
APPELLATE DIVISION, FIRST DEPARTMENT  
FILED JANUARY 30, 2024**

**SUPREME COURT OF THE STATE OF NEW YORK  
APPELLATE DIVISION, FIRST  
JUDICIAL DEPARTMENT**

No. 2022 - 05698

GINA ROBINSON,

*Appellant,*  
V.

FASHION DISTRICT DENTAL, ET AL.,

*Respondents.*

Filed On: January 30, 2024

Cases: NYSCEF-153436/2022, NYSCEF-2022/05698

**BEFORE:** Lizabeth González, Justice Presiding,

Date: January 30, 2024 Case # 2022 - 05698

Index/Indict/Docket# 153436/ 2022

*Appendix 39*

Title Gina Robinson, Plaintiff-Appellant-Respondent  
of  
Matter Fashion District Dental; Dr. Justin  
Rashbaum, DMD; Defendants-Respondents, et al.

Appeal by Order(x) Supreme(x) County New York  
Plaintiff from Judgment( ) of Surrogate's( )  
Decree( ) Family( ) Court entered on 12/9, 2022

Name of \_\_\_\_\_ Notice of Appeal  
Judge Lynn R. Kotler filed on 12/21, 2022

If from administrative determination, state agency \_\_\_\_\_

Nature of Negligence  
action or \_\_\_\_\_  
proceeding \_\_\_\_\_

Provisions of (X) order  
 Judgment appealed from 1) Order  
 decree decided motions for  
Summary judgment

This application by appellant is for order adjourning  
The appeal from the March, 22024 term to the May  
2024 term

## Appendix 39

If applying for a stay, state reason why requested \_\_\_\_\_

Has any undertaking been posted No If "yes", state amount and type \_\_\_\_\_

Has application been made to court below for this relief No If "yes", state Disposition \_\_\_\_\_  
Has there been any prior Application here in this court No If yes", state dates and nature \_\_\_\_\_  
and nature \_\_\_\_\_

Has adversary been advised of this application Yes Does he/she consent Pltf. (no);  
all other parties (yes)

Attorney for Movant <u>Lester Schwab Katz &amp;</u> <u>Dwyer, LLP</u> <u>100 Wall Street, 27<sup>th</sup> Fl</u> <u>New York, NY 10005</u> <u>212 - 341-4343</u> <u>drothman@lskdnnylaw.com</u> <u>Dennis M. Rothman, Esq.</u> <u>Attorneys for Defendants-</u> <u>Baum, DMD, individually</u> <u>and doing business as</u> <u>Fashion District Dental</u> <u>Respondents Justin Rash-</u>	Attorney for Opposition Name <u>Gina Robinson</u> <u>108 West 63rd Street, No.</u> <u>22594</u> <u>Kansas City, MO 64113</u> <u>Tel. No. 646-266-1142</u> <u>Plaintiff pro se</u>
--	---

## Appendix 39

## DISPOSITION

Justice \_\_\_\_\_ Date \_\_\_\_\_

**Motion Date** \_\_\_\_\_ **Opposition** \_\_\_\_\_  
**Reply** \_\_\_\_\_  
**EXPEDITE** \_\_\_\_\_ **PHONE ATTORNEYS** \_\_\_\_\_  
**DECISION BY** \_\_\_\_\_  
**ALL PAPERS TO BE SERVED PERSONALLY**  
**electronically/via NYSCEF** \_\_\_\_\_  
**Court Attorney** \_\_\_\_\_  
No appearances had on interim application.

## RIDER FOR SERVICE LIST

## TO THE

SUMMARY STATEMENT ON APPLICATION FOR  
EXPEDITED SERVICE AND/OR INTERIM RELIEF

LAW OFFICES OF HENRY SCHWARTZ  
32 Court Street, Suite 908  
Brooklyn, NY 11201  
John P. Anderson, Esq.

*Appendix 39*

(718) 222-3118  
janderson@henryschwartz.com  
Attorneys for Defendants- Respondents-  
Cross-Appellants  
Dr. David Stern, DMD  
Dr. Jay Rashbaum, DMD and  
Dr. Michael Abrams, D.D.S.

**AFFIRMATION IN SUPPORT OF ADJOURNING  
APPEALS**

SUPREME COURT OF THE STATE OF NEW YORK  
APPELLATE DIVISION: FIRST DEPARTMENT

-----X

GINA ROBINSON, Case No. 2022-05698  
*Plaintiff-Appellant-* New York County  
*Respondent,* Index No. 15343612022  
-against-

FASHION DISTRICT DENTAL  
DR. JUSTIN RASHBAUM, DMD;  
*Defendants-Respondents,*

DR. DA YID STEIN, DMD;  
DR. JAY RASHBAUM, DMD;  
*Defendants-Respondents- Appellants,*

*Appendix 39*

DR. MICHAEL ABRAMS, D.D.S.,  
*Defendant-Respondent,*

..... x

AFFIRMATION IN SUPPORT  
OF ADJOURNING APPEALS

Dennis M. Rothman, a member of the New York bar,  
affirms under the penalties of perjury:

1. I am a member of Lester Schwab Katz & Dwyer, LLP, attorneys for defendant respondent Justin Rashbaum, D.M.D., Individually and doing business as Fashion District Dental ("Dr. Rashbaum"). 1
2. I submit this affirmation in support of respondent Dr. Rashbaum's application to adjourn the pending appeals from the March 2024 to the May 2024 Term in light of the pending motion to (a) strike plaintiff's rc-filcd record on appeal, which duplicates her earlier record that this Court already struck, (b) upon striking the record for the second time, dismissing the.

---

1 Defendant-respondent-appellant Dr. Justin Rashbaum is a different person, represented by separate counsel. Dr. Justin Rashbaum has not filed an appeal and is only a respondent.

**APPENDIX 40 – TORTFEASORS GRANTED  
PERMISSION TO FILE LATE OPPOSITION  
FEB 13, 2024, BEFORE THE APPELLATE  
DIVISION, FIRST DEPARTMENT  
FILED FEBRUARY 14, 2024**

**SUPREME COURT OF THE STATE OF NEW YORK  
APPELLATE DIVISION, FIRST  
JUDICIAL DEPARTMENT**

No. 2022 - 05698

GINA ROBINSON,

*Appellant,*  
V.

FASHION DISTRICT DENTAL, ET AL.,

*Respondents.*

Filed On: February 14, 2024

Cases: NYSCEF-153436/2022, NYSCEF-2022/05698

**BEFORE:** Lizbeth González, Justice Presiding,

*Appendix 40*

LESTER SCHWAB KATZ & DWYER, LLP  
100 WALL STREET  
NEW YORK, N.Y. 10005-3701  
(212) 964-6611  
FAX: (212) 267-5916

DENNIS M. ROTHMAN  
Writer's Direct Dial: (212) 341-4343  
E-Mail. [drolhman@lskdnylaw.com](mailto:drolhman@lskdnylaw.com)

NEW JERSEY OFFICE  
61 S Paramus Road, Suite 250  
PARAMUS NJ 07652  
(973) 912-9501

February 13, 2024

Motion Clerk  
Appellate Division, First Department  
Supreme Court of the State of New York  
27 Madison Avenue  
New York, NY 10010

M691, Return 2/13/2024,  
Request permission to file a  
late opposition.

Re: Robinson v. Fashion District  
Dental, et al, 2022-05698.

*Appendix 40*

Dear Motion Clerk:

I write as counsel for defendant-respondent Justin Rashbaum, D.M.D., Individually and doing business as Fashion District Dental ("Dr. Rashbaum")<sup>1</sup> to ask this Court to accept as timely Dr. Rashbaum's opposition (NYSCEF doc. 158) to plaintiffs second cross-motion (NYSCEF doc. I 56). The error occurred due to this office's apparent misunderstanding of the interaction between Rule 1250.4(a)(5) and this Court's October 4, 2023 notice that henceforth

Motions and applications, and original proceedings shall be filed in digital form only (via NYSCEF or Digital Submission Portal). No hard copy submission is required unless requested by the Court.

(Exhibit A to this letter).

This Court should also accept as timely the opposition filed by co-defendants respondents-appellants (NYSCEF doc. 157), for the same reasons set forth below.

There can be no prejudice to plaintiff because the issues have been heavily briefed. Dr. Rashbaum's

---

<sup>1</sup> Defendant-respondent appellant Dr. Rashbaum is a different person, represented by separate counsel. Dr. Justin Rashbaum has not filed an appeal and is only a respondent.

*Appendix 40*

opposition contained only four sentences, referring to the arguments already fully addressed in prior papers.

This Court's Rule (22 NYCRR) 12S0.4(a)(5)<sup>2</sup> provides that

Answering and reply documents, if any, shall be served within the time prescribed by CPLR 2214 (b) or directed by a justice of the court. The originals thereof with proof of service shall be filed by 4:00 p.m. of the business day preceding the day on which the motion is returnable, unless, for good cause shown, they are permitted to be filed at a later time.

*Id.*

Plaintiff's notice of cross-motion states that it is returnable on February 13, 2024. The notice of cross-motion lacks a notice requiring opposition to be served seven days before the return date (NYSCEF doc. 156). Therefore, under CPLR 2214(b), opposition was due two days before the return date, on Sunday February 11, 2024. General Construction Law§ 25-a pushed the deadline past the weekend and Monday Court holiday for Lincoln's Birthday to today, February 13, 2024.

---

2. This Court's February 13, 2023 email notices rejecting the opposition papers as untimely referred to "CPLR 1250.4(a)(S)." There is no such provision of the CPLR, and 22 NYCRR 1250.4(a)(5) appears to have been intended.

*Appendix 40*

Co-defendants filed their opposition on February 11, and Dr. Rashbaum filed his opposition on February 12.

The second sentence of Rule 1250.4(a)(5) provides that "The originals thereof with proof of service shall be filed by 4:00p.m. of the business day preceding the day on which the motion is returnable." I understood this to be a reference to hard copy filing, which has been negated by the Court's October 4, 2023 notice directing that hard copies should no longer be filed (Exhibit A hereto). Other language in the October 4, 2023 notice specifically distinguishes between "original" and "digital" copies and therefore appears to confirm the reading of "original" as a synonym for hard copy. 3

I understand now that the Court wants e-filed papers the Friday before the return date. My error causes no prejudice. I ask that this Court accept as timely all papers submitted in opposition to plaintiff's cross-motion.

Respectfully,

s/ Dennis Rothman  
Dennis M. Rothman~

574-1537/4891-7626-1541

SO ORDERED

s/ JRH

*Appendix 40*

JSC: Date: 02/13/24

---

3. Attorney Matters. In addition to the digital copy, the original document (i.e., one hard copy) shall be filed with the Court" (Exhibit A at 2).

**APPENDIX 41 – FIRST DEPT. CONTINUES TO  
UPHOLD VIOLATION OF PETITIONER'S 14TH  
AMENDMENT RIGHTS TO DUE PROCESS  
BEFORE THE SUPREME COURT OF THE STATE  
OF NEW YORK APPELLATE DIVISION, FIRST  
JUDICIAL DEPARTMENT,  
FILED FEBRUARY 6, 2024**

**SUPREME COURT OF THE STATE OF NEW YORK  
APPELLATE DIVISION, FIRST  
JUDICIAL DEPARTMENT**

No. 2022-05698

GINA ROBINSON,

*Appellant,*  
V.

FASHION DISTRICT DENTAL, ET AL.,

*Respondents.*

Filed On: February 6, 2024

Cases: NYSCEF-153436/2022, NYSCEF-2022/05698

**BEFORE:** Anil C. Singh, Justice Presiding,  
Lizbeth González  
Tanya R. Kennedy  
Julio Rodriguez III  
Bahaati E. Pitt-Burke,

*Appendix 41*

APPELLATE DIVISION FIRST JUDICIAL  
DEPARTMENT SUPREME COURT OF THE STATE  
OF NEW YORK

-----x

GINA ROBINSON,

*Plaintiff Appellant,  
Respondent*

-against-

FASHION DISTRICT DENTAL;  
DR JUSTIN RASHBAUM DMD;  
DR. MICHAEL ABRAMS, D.D.S.,

*Defendants-Respondents*

DR. DAVID STEIN, DMD;  
DR. JAY RASHBAUM, DMD;

NOTIICE  
OF CROSS  
MOTION  
FOR  
CONTEMPT  
OF COURT  
against  
Defendants-  
Respondents-  
Appellants

Index No.  
153436/2022  
**AMENDED**

*Defendants-Respondents-Appellants,*

-----x  
WARNING

FAILURE TO APPEAR IN COURT MAY RESULT  
IN YOUR IMMEDIATE ARREST AND  
IMPRISONMENTFOR CONTEMPT OF COURT

PLEASE TAKE NOTICE, that upon the attached

*Appendix 41*

affidavit(s) of Plaintiff, GINA ROBINSON, sworn to on, dated February 6, 2024, the exhibits attached to the affidavit(s), and upon all proceedings in this case to date, the Plaintiff(s) will move this Court, at 9:30 A.M. on the 13th day of February , 2024 , at the Courthouse, 27 Madison Avenue, New York, New York, for an order, granting the following relief to the movant(s):

- (a) Maintain both the Joint Record on Appeal, and the Brief, as sufficient to perfect the Appeal.
- (b) Dismiss Defendants-Respondents-Appellant's Motion No. 654
- (c) pursuant to Judiciary Law § 753 and 22 NYCRR 130-1.1, holding Defendants-Respondents-Appellants in contempt, sanctioning them and ordering them to pay Plaintiff-Appellant's costs and fees, and such other penalty as this Court deems proper; and
- (d) Any relief this Court deems just and appropriate.

*== excerpt ==*

wanted and has never once, filed a single abusive document nor been contemptuous during any proceedings in any court.

*Appendix 41*

POINT III

**Defendants-Respondents-Appellants Continue To Request A Record That Violates Plaintiff's 14th Amendment Right To Due Process And They Want The Court To Uphold That Violation**

44. Plaintiff-Appellant has stated numerous times that the proceedings in the Trial Court were unfair and unequal and that there was bias in favor of Defendants and against Plaintiff. In the most blatant instance Defendants were allowed abusive and unnecessary discovery against court rules, but any discovery at all was denied Plaintiff-Appellant even after orders to show cause were filed to compel the court to allow discovery.

45. Whether to protect the Trial Judge as she protected them during the proceedings or to make the Appellate court violate Plaintiff's 14th Amendment rights, this is a violation of her 14<sup>th</sup> Amendment Rights, which all Courts are sworn to uphold.

**Relevant Material Crucial To Plaintiffs Arguments On Appeal Must Be Included In The Record On Appeal**

1. If an appendix is used as the Appellate court ordered for the joint record on appeal:

The appendix shall include those portions of the

record *Appendix 41*

necessary to permit the court to fully consider the issues which will be raised by the appellant and the respondent including, where applicable, at least the following:

- a. (i) notice of appeal or order of transfer;
- b. (ii) judgment, decree or order appealed from;
- c. (iii) decision and opinion of the court or agency, and report of a referee, if any;
- d. (iv) pleadings, and in a criminal case, the indictment or superior court information;
- e. (v) material excerpts from transcripts of testimony or from documents in connection with a motion.  
Such excerpts shall include all the testimony or

**APPENDIX 42 -FIRST DEPT. IS ASKED TO  
SETTLE THE RECORD AND THEY REFUSE  
BEFORE THE SUPREME COURT OF THE STATE  
OF NEW YORK APPELLATE DIVISION,  
FIRST JUDICIAL DEPARTMENT,  
FILED MAY 6, 2024**

**SUPREME COURT OF THE STATE OF NEW YORK  
APPELLATE DIVISION, FIRST  
JUDICIAL DEPARTMENT**

No. 2022-05698

GINA ROBINSON,

*Appellant,*  
V.

FASHION DISTRICT DENTAL, ET AL.,

*Respondents.*

Filed On: May 6, 2024

Cases: NYSCEF-153436/2022, NYSCEF-2022/05698

**BEFORE:** Anil C. Singh, Justice Presiding,  
Lizbeth González  
Tanya R. Kennedy  
Julio Rodriguez III  
Bahaati E. Pitt-Burke,

*Appendix 42*

APPELLATE DIVISION FIRST JUDICIAL  
DEPARTMENT SUPREME COURT OF THE STATE  
OF NEW YORK

-----x  
GINA ROBINSON,

Case No.  
*Plaintiff Appellant,* 2022-05698  
*Respondent*

New York  
County  
OF COURT  
Index No.  
153436-2022  
FASHION DISTRICT DENTAL;  
DR JUSTIN RASHBAUM DMD;  
DR. MICHAEL ABRAMS, D.D.S.,

**NOTICE OF  
Defendants-Respondents MOTION**

DR. DAVID STEIN, DMD;  
DR. JAY RASHBAUM, DMD;

*Defendants-Respondents-Appellants,*

-----x  
PLEASE TAKE NOTICE Pursuant to CPLR 4511,  
R5532, 22NYCRR Part 1250, Rule 1250.9 (b),  
1250.7(g), Rule, and Rule 1250.7(d)(1) that, upon the  
affirmation of Gina Robinson dated May 8, 2024, the  
exhibits annexed thereto, and all prior papers and

*Appendix 42*

proceedings, the Plaintiff-Appellant-Respondent will move this Court at the First Department, Appellate Division Courthouse located at 27 Madison Avenue, New York, NY 10010 on May 28, 2024, at 10:00 a.m. for an Order:

(a) For the Appellate Court to settle, stipulate or certify the Joint Record on Appeal

(b) To accept the Brief and Joint Record on Appeal as it was entered April 30, 2024.

and such other and further relief as may to the court seem just and proper, for the reasons that:

PLEASE TAKE FURTHER NOTICE that, pursuant to CPLR 2214(b), answering affidavits, if any, shall be served at least seven (7) days prior to the return date of this motion.

Dated May 8, 2024

JASMINE SHELBY  
NOTARY PUBLIC-NOTARY SEAL  
STATE OF MISSOURI  
JACKSON COUNTY  
MY COMMISSION EXPIRES 813012024  
COMMISSION # 20060850

Respectfully Submitted,

*Appendix 42*

s/ Gina Robinson  
Gina Robinson,  
Pro se  
108 W 63rd St. No. 22594  
Kansas City, MO 64113  
(646) 266-1142

To:

John P. Anderson, Esq.  
The Law Offices of Henry Schwartz  
32 Court Street, Suite 908  
Brooklyn, NY 11201  
718 222-3118  
Attorneys for Defendants Dr. David Stein, DMD,  
Dr. Jay Rashbaum, DMD and Dr. Michael Abrams,  
D.D.S.

And

Dennis M. Rothman  
LESTER SCHWAB KATZ & DWYER,LLP  
100 Wall Street  
New York, NY 10005  
212 964-6611  
Attorneys for Defendant Justin Rashbaum, D.M.D.,  
Individually and doing business as Fashion District  
Dental

**APPENDIX 43 – FIRST DEPT. CONTINUES TO  
STRIKE PETITIONER'S RECORD & BRIEF  
EVEN AFTER THEIR RECOMMENDED  
CHANGES ARE MADE BEFORE THE SUPREME  
COURT OF THE STATE OF NEW YORK  
APPELLATE DIVISION, FIRST  
JUDICIAL DEPARTMENT,  
FILED MAY 6, 2024**

**SUPREME COURT OF THE STATE OF NEW YORK  
APPELLATE DIVISION, FIRST  
JUDICIAL DEPARTMENT**

No. 2022-05698

GINA ROBINSON,

*Appellant,*  
V.

FASHION DISTRICT DENTAL, ET AL.,

*Respondents.*

Filed On: May 6, 2024

Cases: NYSCEF-153436/2022, NYSCEF-2022/05698

**BEFORE:** Anil C. Singh, Justice Presiding,  
Lizbeth González  
Tanya R. Kennedy  
Julio Rodriguez III  
Bahaati E. Pitt-Burke,

*Appendix 43*

APPELLATE DIVISION FIRST JUDICIAL  
DEPARTMENT SUPREME COURT OF THE STATE  
OF NEW YORK

-----x  
GINA ROBINSON,

*Plaintiff Appellant,  
Respondent*

-against-

FASHION DISTRICT DENTAL;  
DR JUSTIN RASHBAUM DMD;  
DR. MICHAEL ABRAMS, D.D.S.,

*Defendants-Respondents*

DR. DAVID STEIN, DMD;  
DR. JAY RASHBAUM, DMD;

NOTIICE  
OF CROSS  
MOTION  
FOR  
CONTEMPT  
OF COURT  
against  
Defendants-  
Respondents-  
Appellants

Index No.  
153436/2022  
AMENDED

*Defendants-Respondents-Appellants,*

-----x  
WARNING

FAILURE TO APPEAR IN COURT MAY RESULT  
IN YOUR IMMEDIATE ARREST AND  
IMPRISONMENTFOR CONTEMPT OF COURT

PLEASE TAKE NOTICE, that upon the attached

*Appendix 43*

affidavit(s) of Plaintiff, GINA ROBINSON, sworn to on, dated February 6, 2024, the exhibits attached to the affidavit(s), and upon all proceedings in this case to date, the Plaintiff(s) will move this Court, at 9:30 A.M. on the 13th day of February , 2024 , at the Courthouse,

*== excerpt ==*

15. To avoid miscommunication, emails or other electronic communication would be best, rather than phone calls.
16. Plaintiff-Appellant's point being, she filed her JRoA and brief several times prior and the changes the clerk is requesting are in fact novel and were never requested prior to this date.
17. The clerk has asked for the Brief to include a "description of Action form, pursuant to CPLR § 5531, which was already included in the JRoA. She asked that the JRoA include "Running Headings" above all documents in the JRoA (Exhibit B & C). The JRoA is bookmarked, there is already a time stamp at the top of each document and a table of contents corresponding to each document.
18. Plaintiff has also been asked to have the record itself certified by the originating court and this was also not requested the number of times Plaintiff submitted the JRoA and brief.

*Appendix 43*

19. Plaintiff-Appellant submitted her record on appeal in May of 2023 and it was stricken for formatting of the table of contents which were structured in a manner suggested by a clerk.

20. The record on appeal and joint record on appeal was entered on June 9, 2023, October 10, 2023, and January 2, 2024. Each time different and isolated changes were demanded and when Plaintiff provided those changes the documents were still removed.

21. Orders from the court were filed asking Plaintiff to produce a JRoA and brief under certain conditions, which did not include the changes mentioned above, and now that Plaintiff has produced the JRoA and brief to the specifications demanded by the

**APPENDIX 44 – PETITIONER POINTS OUT  
THAT HER PAPERS BY LAW SHOULD NOT BE  
STRICKEN BEFORE THE SUPREME COURT OF  
THE STATE OF NEW YORK APPELLATE  
DIVISION, FIRST JUDICIAL DEPARTMENT,  
FILED MAY 29, 2024**

**SUPREME COURT OF THE STATE OF NEW YORK  
APPELLATE DIVISION, FIRST  
JUDICIAL DEPARTMENT**

No. 2022-05698

GINA ROBINSON,

*Appellant,*  
V.

FASHION DISTRICT DENTAL, ET AL.,

*Respondents.*

Filed On: May 29, 2024

Cases: NYSCEF-153436/2022, NYSCEF-2022/05698

**BEFORE:** Anil C. Singh, Justice Presiding,  
Lizbeth González  
Tanya R. Kennedy  
Julio Rodriguez III  
Bahaati E. Pitt-Burke,

*Appendix 44*

APPELLATE DIVISION FIRST JUDICIAL  
DEPARTMENT SUPREME COURT OF THE STATE  
OF NEW YORK

-----x

GINA ROBINSON,

*Plaintiff Appellant,*  
*Respondent*

-against-

FASHION DISTRICT DENTAL;  
DR JUSTIN RASHBAUM DMD;  
DR. MICHAEL ABRAMS, D.D.S.,

*Defendants-Respondents*

DR. DAVID STEIN, DMD;  
DR. JAY RASHBAUM, DMD;

**Case No.**  
**2022/ 05698**  
**2ND AMENDED**  
**NOTICE**  
**OF CROSS**  
**MOTION FOR**  
**CONTEMPT**  
**OF COURT**  
**against**  
**Defendants-**  
**Respondents-**  
**Appellants**  
**Index No.**  
**153436/2022**

*Defendants-Respondents-Appellants,*

-----x

WARNING

FAILURE TO APPEAR IN COURT MAY RESULT  
IN YOUR IMMEDIATE ARREST AND  
IMPRISONMENTFOR CONTEMPT OF COURT

PLEASE TAKE NOTICE, that upon the attached

*Appendix 44*

affidavit(s) of Plaintiff, GINA ROBINSON, sworn to on, date June 3, 2024, and per the Appellate Court Clerk's Instructions from May 31, 2024, the exhibits attached to the affidavit(s), and upon all proceedings in this case to date, the plaintiff(s) will move this Court, at 9:30 A.M. on the 3rd day of June , 2024 , at the Courthouse, 27 Madison Avenue, New York, New York, for an order, granting the following relief to the movant(s):

- (a) Accept an Amended Joint Record on Appeal and Brief, to be uploaded, as sufficient to perfect the Appeal.
- (b) Dismiss Defendant-Respondents-(Appellant's) Motion No. 2481
- (c) Pursuant to Judiciary Law § 753 and 22 NYCRR 130-1.1, holding Defendant-

*== excerpt ==*

The order or judgment that is being appealed.  
The decision being appealed.  
The judgment roll.  
The pleadings.  
The settled transcript.  
Any motion papers that have to do with the appeal.  
Any exhibits that have to do with the appeal.

*Appendix 44*

"In the Full Record Method you have to give the Appellate Court everything that the lower court has reviewed."

Perfecting the Appeal, Court Help  
- NY COURTS.GOV

35. As mentioned above, Plaintiff has raised bias as an issue regarding the forming of the December 9 Decision.

36. Motions 4-6 are crucial to Plaintiff's arguments on appeal as they demonstrate the blatant bias under which the proceedings were directed.

POINT V

Defendant Respondent Appellants Again Base Their Demand To Strike Plaintiff's Already Perfected RoA, JRoa and Brief on Faulty Grounds

37. There is nothing wrong with Plaintiff's table of contents. Additionally, the Court asked Plaintiff to add captions or titles to the top of the resized JRoa (for the very first time and over a year after it was first filed) but Plaintiff, and only Plaintiff, complied with their wishes and now Defendants are seeking to find fault with a single title. One wonders why this single title claiming Defendant's firm name has not ever been disclosed (which plaintiff has always stated was the case (NYSCEF Doc. No. 173, Pg. 17, Oral Argument, August

*Appendix 44*

2, 2022)) is bothering Defendant so much. He did not utter a protest during the oral argument about it nor did the Judge ask a single question about it (Exhibit D).

38. After the resized and captioned JRoA was submitted the court insisted that the JRoA be certified. Plaintiff has a pending motion #2270, requesting the Appellate Court certify, stipulate or settle the record submitted. In addition, Plaintiff has subpoenaed the JRoA from the originating court, (New York Supreme Court at 60 Centre Street) at the Certification Desk who received the material May 24, 2024. The JRoA is to be sent to the Appellate Court upon certification.

39. Regardless the formatting of a pro se litigants papers are to be construed by the courts in the light most favorable to the Plaintiff and in terms most easily understood. The burden of formatting is not on the pro se litigant, only the burden to be understood. Plaintiff has always been clear in her communication of what has occurred in this case.

40. It is a widely accepted legal standard in all levels of courts in the U.S. that Pro se litigants are by law to be afforded solicitude regarding the process of litigating a case, the substance of the case takes priority over formatting and other such details (Tracy v. Freshwater, 623 F.3d 90, 102 (2d Cir. 2010) and Rosendale v. Brusie, 374 F. App'x 195, 196 (2d Cir. 2010).\*

*Appendix 44*

It is almost universally recognized in both New York State and Federal Court pro se pleadings are construed more liberally than those prepared by attorneys. 1. New York State Cases a. Pezhman v. City of New York, 29 A.D.3d 164, 168, 812 N.Y.S.2d 14, 18 (1st Dep't 2006) (a "pro se complaint should be construed liberally in favor of the pleader). b. Rosen v. Baum, 164 A.D.2d 809, 811, 559 N.Y.S.2d 541, 542 (1st Dep't 1990)

\* "Although the courts remain obligated to construe a pro se complaint liberally, . . . the complaint must contain sufficient factual allegations to meet the plausibility standard."

41. "...must contain sufficient factual allegations to meet the plausibility standard." This is where the rubber meets the road. Plaintiff is trying to present the proof of her allegations and Defendants and the court are trying to prevent this from occurring.

**APPENDIX 45 – PETITIONER POINTS OUT  
MULTIPLE MOTION SEQUENCE NUMBERS  
ARE MISIDENTIFIED AS OUTSIDE THE  
COURT ORDERED SEQUENCE NUMBERS 001-  
003 BEFORE THE SUPREME COURT OF THE  
STATE OF NEW YORK APPELLATE DIVISION,  
FIRST JUDICIAL DEPARTMENT,  
FILED MAY 29, 2024**

**SUPREME COURT OF THE STATE OF NEW YORK  
APPELLATE DIVISION, FIRST  
JUDICIAL DEPARTMENT**

No. 2022-05698

GINA ROBINSON,

*Appellant,*  
v.

FASHION DISTRICT DENTAL, ET AL.,

*Respondents.*

Filed On: May 29, 2024

Cases: NYSCEF-153436/2022, NYSCEF-2022/05698

**BEFORE:** Anil C. Singh, Justice Presiding,  
Lizbeth González  
Tanya R. Kennedy  
Julio Rodriguez III  
Bahaati E. Pitt-Burke,

*Appendix 45*

APPELLATE DIVISION FIRST JUDICIAL  
DEPARTMENT SUPREME COURT OF THE STATE  
OF NEW YORK

-----x

GINA ROBINSON,

*Plaintiff Appellant,  
Respondent*

-against-

FASHION DISTRICT DENTAL;  
DR JUSTIN RASHBAUM DMD;  
DR. MICHAEL ABRAMS, D.D.S.,

*Defendants-Respondents*

DR. DAVID STEIN, DMD;  
DR. JAY RASHBAUM, DMD;

Case No.  
**2022/ 05698**  
2ND AMENDED  
NOTICE  
OF CROSS  
MOTION FOR  
CONTEMPT  
OF COURT  
against  
Defendants-  
Respondents-  
Appellants  
Index No.  
**153436/2022**

*Defendants-Respondents-Appellants,*

-----x  
WARNING

FAILURE TO APPEAR IN COURT MAY RESULT  
IN YOUR IMMEDIATE ARREST AND  
IMPRISONMENTFOR CONTEMPT OF COURT

PLEASE TAKE NOTICE, that upon the attached

*Appendix 45*

affidavit(s) of Plaintiff, GINA ROBINSON, sworn to on, date June 3, 2024, and per the Appellate Court Clerk's Instructions from May 31, 2024, the exhibits attached to the affidavit(s), and upon all proceedings in this case to date, the plaintiff(s) will move this Court, at 9:30 A.M. on the 3rd day of June , 2024 , at the Courthouse, 27 Madison Avenue, New York, New York, for an order, granting the following relief to the movant(s):

- (a) Accept an Amended Joint Record on Appeal and Brief, to be uploaded, as sufficient to perfect the Appeal.
- (b) Dismiss Defendant-Respondents-(Appellant's) Motion No. 2481
- (c) Pursuant to Judiciary Law § 753 and 22 NYCRR 130-1.1, holding Defendant-

*== excerpt ==*

**POINT VI**

**Motion 004 is Inseparable**  
**From Motions 001-003**

42. Motion 004 is inseparable from Motions 001-003, because it refers to Defendant's multiple attempts to adjourn Motions 001-003. To that extent that Motion

*Appendix 45*

004 is integral to Plaintiff's argument on appeal, it is well within her due process rights to present the Appellate court with all the evidence it needs to make an informed decision; it should be included in the JROA. Failure to do so is a violation of her due process rights (Exhibit E).

**Multiple Documents Have Been Incorrectly  
Assigned to Motion Sequence 004  
Instead of 001-003**

43. Additionally, multiple documents have been incorrectly assigned to motion sequence 004 instead of 001-003. Documents 23-39 are assigned Motion Nos. 001-003 (Exhibit F).

44. Several documents (ie. 137 and 148-165) are in reply to documents which are in direct response to Mot. 001 - 003, and not 004 as is stated in the document list.

45. Doc. 61-64 is directly responsive to Docs. 23-53, and are applicable to Mot. Seq. 001- 003, it follows Docs. 61-64 are also applicable to Mot. Seq. 001-003 (Exhibit G).

46. Doc. 138 & 139 are responsive to Doc. 137 and applicable to Mot. Seq. 001, it follows Doc.137 is also applicable to Mot. Seq. 001 (Exhibit H).

*Appendix 45*

47. Doc. 160 & 162 are responsive to Doc. 161 and applicable to Mot. Seq. 002 and 001, it follows Doc. 161 is also applicable to Mot. Seq. 002 and 001 (Exhibit I).

48. You can see all these documents have been entered into the record by the clerk of the court and are legitimately part of the record and therefore the record on appeal.

**APPENDIX 46 – PETITIONER POINTS OUT  
RESPONSIVE CONNECTION BETWEEN  
DOCUMENTS PLACE THEM WITHIN THE  
SCOPE OF MOTION SEQUENCE NUMBERS  
001-003. & TORTFEASORS' FRIVOLOUS  
ACTIONS CANNOT REMOVE THEIR GUILT  
BEFORE THE SUPREME COURT OF THE STATE  
OF NEW YORK APPELLATE DIVISION,  
FIRST JUDICIAL DEPARTMENT,  
FILED JULY 22, 2024**

**SUPREME COURT OF THE STATE OF NEW YORK  
APPELLATE DIVISION, FIRST  
JUDICIAL DEPARTMENT**

No. 2022-05698

GINA ROBINSON,

*Appellant,*  
V.

FASHION DISTRICT DENTAL, ET AL.,

*Respondents.*

Filed On: July 22, 2024

Cases: NYSCEF-153436/2022, NYSCEF-2022/05698

**BEFORE:** Anil C. Singh, Justice Presiding,  
Lizbeth González  
Tanya R. Kennedy  
Julio Rodriguez III  
Bahaati E. Pitt-Burke,

*Appendix 46*

APPELLATE DIVISION FIRST JUDICIAL  
DEPARTMENT SUPREME COURT OF THE STATE  
OF NEW YORK

-----X  
GINA ROBINSON,

*Plaintiff Appellant,  
Respondent*

-against-

FASHION DISTRICT DENTAL;  
DR JUSTIN RASHBAUM DMD;  
DR. MICHAEL ABRAMS, D.D.S.,

*Defendants-Respondents*

DR. DAVID STEIN, DMD;  
DR. JAY RASHBAUM, DMD;

*Defendants-Respondents-Appellants,*

Case No.  
**2022/ 05698**

AFFIDAVIT  
IN OPPOSI-  
TION TO  
DEFEND-  
ANT'S  
MOTION  
No. 3501  
TO STRIKE  
PLAINTIFF'S  
BRIEF  
Index No.  
153436/2022

-----X  
== *excerpt* ==

29. Several documents (ie. NYSCEF Doc. Nos.137 and 148-165) are in reply to documents which are in direct response to Mot. Seq. 001 - 003, and not 004 as is stated in the document list.

30. NYSCEF Doc. Nos. 61-64 is directly responsive to Docs. 23-53, and are applicable to Mot. Seq. 001-003, it follows Docs. 61-64 are also applicable to Mot. Seq. 001-003 (Exhibit J).

31. NYSCEF Doc. Nos. 138 & 139 are responsive to Doc. 137 and applicable to Mot. Seq. 001, it follows Doc. 137 is also applicable to Mot. Seq. 001 (Exhibit I).

32. NYSCEF Doc. Nos. 160 & 162 are responsive to Doc. 161 and applicable to Mot. Seq. 002 and 001, it follows Doc. 161 is also applicable to Mot. Seq. 002 and 001 (Exhibit K).

33. Beyond the fact that these documents have been entered into the record by the clerk of the court and are legitimately part of the record, they have been reviewed by the Trial Court and the subpoena signed by the trial judge (Exhibit B).

34. Again, Plaintiff has provided all material relevant and crucial to her arguments on Appeal regardless of the method.

“In the Full Record Method you have to give the Appellate Court everything that the lower court has reviewed.”

NYCOURTS.GOV – Perfecting the Appeal Full Record, Appendix and Agreed Statement Methods.

*Appendix 46*

POINT 3

NO FRIVOLOUS, DILATORY AND BAD FAITH  
ACTIONS BY DEFENDANTS CAN RECTIFY  
THE ILLEGAL ACTS AND VIOLATIONS  
THEY COMMITTED

35. No matter what Defendant-Respondent (Appellants) complain of regarding Plaintiff's papers, formatting, timeliness, volume, etc. It does not make Defendants any less guilty.

**APPENDIX 47 - OSC TO ACCEPT SERVICE  
AFFIDAVITS, BRIEF AND JOINT RECORD  
(DOCS NO. 185-189) DELETED BY FIRST  
DEPT, BEFORE THE SUPREME COURT OF THE  
STATE OF NEW YORK APPELLATE DIVISION,  
FIRST JUDICIAL DEPARTMENT,  
DATED JULY, 2024**

**SUPREME COURT OF THE STATE OF NEW YORK  
APPELLATE DIVISION, FIRST JUDICIAL  
DEPARTMENT**

No. 153436/2022

GINA ROBINSON,

*Plaintiff,*  
V.

FASHION DISTRICT DENTAL, ET AL.,

*Defendants.*

Filed On: July, 2023

**BEFORE:** Anil C. Singh, Justice Presiding,  
Lizbeth González  
Tanya R. Kennedy  
Julio Rodriguez III  
Bahaati E. Pitt-Burke,

*Appendix 47*

178. AFFIDAVIT OR AFFIRMATION IN SUPPORT OF MOTION  
(Motion #2481 "Corrected")  
Affirmation in Support  
SCHWARTZ, HENRY R.  
Filed: 05/21/2024 - Received: 05/22/2024  
PROCESSED Confirmation Notice
  
179. NOTICE OF CROSS -MOTION  
W/SUPPORTING DOCUMENTS  
INCLUDING EXHIBIT(S)  
Returned For Correction
  
180. NOTICE OF CROSS-MOTION  
W/SUPPORTING DOCUMENTS  
INCLUDING EXHIBIT(S) (MOTION #2681)  
"Corrected")  
Amended – Please replace Doc. dated May 28  
Robinson, Gina (Pro Hac/ Pro Se)  
Filed 05/29/2024 - Received 06/03/2024  
PROCESSED Confirmation Notice
  
181. AFFIDAVIT OR AFFIRMATION IN REPLY  
TO MOTION (Motion #2481)  
REPLY AFFIRMATION IN FURTHER  
SUPPORT OF RESPONDENTS MOTION TO  
DISMISS THE APPEAL AND FOR  
CONTEMPT AND SANCTIONS  
ROTHMAN, DENNIS MICHAEL  
Filed: 05/31/2024 - Received: 05/31/2024

*Appendix 47*

PROCESSED Confirmation Notice

- 182. ORDER (Motion #2270) Court User  
Filed: 06/18/2024 - Received: 06/18/2024  
PROCESSED Confirmation Notice
- 183. ORDER (Motion #2481) Court User  
Filed: 06/18/2024 - Received: 06/18/2024  
PROCESSED Confirmation Notice
- 184. ORDER (Motion #2681) Court User  
Filed: 06/18/2024 - Received: 06/18/2024  
PROCESSED Confirmation Notice
- 185. APPELLANT – RESPONDENT'S BRIEF -  
Returned For Correction
- 186. JOINT RECORD ON APPEAL -  
ADDITIONAL VOLUME - Possible SSN  
Administratively Redacted  
Returned For Correction
- 187. APPELLANT – RESPONDENT'S BRIEF -  
Returned For Correction
- 188. JOINT RECORD ON APPEAL -  
ADDITIONAL VOLUME - Possible SSN  
Administratively Redacted  
Returned For Correction

*Appendix 47*

189. AFFIRMATION/AFFIDAVIT OF SERVICE -  
Returned For Correction
190. ORDER TO SHOW CAUSE W/SUPPORTING  
DOCUMENTS INCLUDING EXHIBIT(S)  
(PROPOSED)  
Returned For Correction
191. NOTICE OF MOTION W/SUPPORTING  
DOCUMENTS INCLUDING EXHIBIT(S)  
(PROPOSED) (Motion #3457) Please present  
to a Judge Motion to accept Service Affidavits  
into record  
Robinson, Gina (Pro Hac/ Pro Se)  
Filed 07/12/2024 - Received 07/12/2024  
PROCESSED Confirmation Notice
192. NOTICE OF MOTION W/SUPPORTING  
DOCUMENTS INCLUDING EXHIBIT(S)  
(Motion #2485) ROTHMAN, DENNIS  
MICHAEL  
Filed: 05/31/2024 - Received: 05/31/2024  
PROCESSED Confirmation Notice
193. AFFIDAVIT OR AFFIRMATION IN  
OPPOSITION (Motion #3457)  
ROTHMAN, DENNIS MICHAEL  
Filed: 07/19/2024 - Received: 07/19/2024  
PROCESSED Confirmation Notice

APPENDIX 48 – PETITIONER TIMELY FILES  
SERVICE AFFIDAVITS FOR THE BRIEF AND  
JOINT RECORD BEFORE THE SUPREME  
COURT OF THE STATE OF NEW YORK  
APPELLATE DIVISION, FIRST  
JUDICIAL DEPARTMENT,  
FILED JULY 22, 2024

SUPREME COURT OF THE STATE OF NEW YORK  
APPELLATE DIVISION, FIRST  
JUDICIAL DEPARTMENT

No. 2022-05698

GINA ROBINSON,

*Appellant,*  
V.

FASHION DISTRICT DENTAL, ET AL.,

*Respondents.*

Filed On: July 22, 2024

Cases: NYSCEF-153436/2022, NYSCEF-2022/05698

BEFORE: Anil C. Singh, Justice Presiding,  
Lizbeth González  
Tanya R. Kennedy  
Julio Rodriguez III  
Bahaati E. Pitt-Burke,

*Appendix 48*

APPELLATE DIVISION FIRST JUDICIAL  
DEPARTMENT SUPREME COURT OF THE STATE  
OF NEW YORK

-----x

GINA ROBINSON,

*Plaintiff Appellant,  
Respondent*

-against-

FASHION DISTRICT DENTAL;  
DR JUSTIN RASHBAUM DMD;  
DR. MICHAEL ABRAMS, D.D.S.,

*Defendants-Respondents*

DR. DAVID STEIN, DMD;  
DR. JAY RASHBAUM, DMD;

Case No.  
2022/05698  
AFFIDAVIT  
IN OPPOSI-  
TION TO  
DEFENDANTS'  
MOTION No.  
3501 TO  
STRIKE  
PLAINTIFF'S  
BRIEF &  
JROA  
Index No.  
153436/2022

*Defendants-Respondents-Appellants,*

-----x

1. Plaintiff-Appellant, and Pro se litigant, Gina Robinson, submits this Affidavit in opposition to Defendant-Respondent's motion (Seq. No. 3501) (and in part to his opposition to Plaintiff's motion Seq. No. 3457), to once again, strike Plaintiff-Appellant's Brief

*Appendix 48*

and Joint Record on Appeal (JRoA).

2. Plaintiff-Appellant respectfully requests the Appellate Court either accept Plaintiff's 2<sup>nd</sup> Amended Brief and JRoA (NYSCEF Doc. Nos. 187 & 188) which includes the affidavits of service, filed June 29, 2024, or accept NYSCEF Doc Nos. 169 & 170's corresponding affidavits of service (NYSCEF Doc. No. 189), timely filed July 8, 2024, and deny Respondent's motion 3501 in its entirety.
3. To start, Defendants-Respondents (Appellants) have had a full year to file a brief but have not, in defiance of Court orders.
4. Defendants-Respondents' motion is yet another dilatory act designed to avoid following

*== excerpt ==*

16. Instead of doing as the Court asked and filing a Brief on Defendants behalf they are endlessly filing documents to have Plaintiff's Brief and JRoA thrown out based on technicalities that do not apply to pro se litigants
17. Defendant-Respondents (Appellants) do not want punishment for their unlawful acts but want plaintiff punished for procedural technicalities that in no way

*Appendix 48*

relate to the substance of the case.

18. It has been stated too many times to count that pro se filings are to be liberally construed by the courts and formatting issues are to be set aside for the most part.

19. In any case, if Plaintiff's fillings are so frivolous as Defendant-Respondent claims, why would he need 60 or even 30 days to dispose of them?

**POINT 2**

**PLAINTIFF'S BRIEF AND JRoa ARE  
COMPLIANT WITH COURT ORDERS**

20. The JRoa has been subpoenaed and certified by the Trial Court, June 20, 2024 (Exhibit B), where the order and record originated.

20. Plaintiff has furnished the rider certificate from the proper clerk (Exhibit C).

22. Plaintiff filed a Brief and JRoa on June 20, 2024, (NYSCEF Doc. Nos. 169 & 170) well before the July 8th deadline and when she discovered those documents required a cure, Plaintiff provided that cure on June 29th, filing NYSCEF Doc. Nos. 187 & 188 which were identical to 169 & 170 but included the service affidavits (Exhibit D).

*Appendix 48*

23. When these were not accepted to replace Doc Nos. 169 & 170, (on July 8th) (Exhibit

E) Plaintiff filed those corresponding service affidavits also on July 8th, with (NYSCEF Doc.

**APPENDIX 49 – PETITIONER AGAIN POINTS  
OUT THE SEQ. NOS. MISIDENTIFIED AS  
OUTSIDE 001-003 BEFORE THE SUPREME  
COURT OF THE STATE OF NEW YORK  
APPELLATE DIVISION, FIRST JUDICIAL  
DEPARTMENT,  
FILED JULY 22, 2024**

**SUPREME COURT OF THE STATE OF NEW YORK  
APPELLATE DIVISION, FIRST  
JUDICIAL DEPARTMENT**

No. 2022-05698

GINA ROBINSON,

*Appellant,*  
V.

FASHION DISTRICT DENTAL, ET AL.,

*Respondents.*

Filed On: July 22, 2024

Cases: NYSCEF-153436/2022, NYSCEF-2022/05698

**BEFORE:** Anil C. Singh, Justice Presiding,  
Lizbeth González  
Tanya R. Kennedy  
Julio Rodriguez III  
Bahaati E. Pitt-Burke,

*Appendix 49*

APPELLATE DIVISION FIRST JUDICIAL  
DEPARTMENT SUPREME COURT OF THE STATE  
OF NEW YORK

-----x

GINA ROBINSON,

Case No.  
2022/05698  
AFFIDAVIT  
IN OPPOSI-  
TION TO  
DEFENDANTS'  
MOTION No.  
3501 TO  
STRIKE  
PLAINTIFF'S  
BRIEF &  
JROA  
Index No.  
153436/2022

FASHION DISTRICT DENTAL;  
DR JUSTIN RASHBAUM DMD;  
DR. MICHAEL ABRAMS, D.D.S.,

*Defendants-Respondents*  
DR. DAVID STEIN, DMD;  
DR. JAY RASHBAUM, DMD;

*Defendants-Respondents-Appellants,*

-----x

*== excerpt ==*

No. 189 - returned) (Exhibit F), meant to correspond with Doc. Nos. 169 & 170, along with a letter of explanation (Exhibit G).

*Appendix 49*

23. This was also not accepted by the Court without reason, on July 10th, forcing Plaintiff to file an OSC, which was also not accepted.
24. Plaintiff then filed a Motion to accept those service affidavits on July 12th (Exhibit H).
25. Regardless, Defendant-Respondents have received hard copies of the service affidavits that correspond to that Brief and JRoA (NYSCEF Doc. Nos. 169 & 170) which has been accepted for perfecting by the Court.
26. More importantly, Plaintiff has complied with the Court's order that all material included in the JRoA be responsive to motion sequences 001, 002 & 003 (Exhibit L). Motion 004 is inseparable from Motions 001-003
27. Motion 004 is inseparable from Motions 001-003, because it refers to Defendant's multiple attempts to adjourn Motions 001-003 (Exhibit I).
28. To the extent that Motion 004 is integral to Plaintiff's argument on appeal, it is well within her due process rights to present the Appellate Court with all the evidence it needs to make an informed decision; it should be included in the JRoA. Failure to do so is a violation of her due process rights. Multiple Documents Have Been Incorrectly Assigned to Motion Sequence 004 Instead of 001-003

*Appendix 49*

28. Additionally, multiple documents have been incorrectly assigned to motion sequence 004 instead of 001-003.

**APPENDIX 50 -- TORTFEASORS GRANTED  
AIR FOR EXTENSION TO OCTOBER 2024  
TERM BEFORE THE APPELLATE  
DIVISION, FIRST DEPARTMENT  
FILED JULY 30, 2024**

**SUPREME COURT OF THE STATE OF NEW YORK  
APPELLATE DIVISION, FIRST  
JUDICIAL DEPARTMENT**

No. 2022 - 05698

GINA ROBINSON,

*Appellant,*  
V.

FASHION DISTRICT DENTAL, ET AL.,

*Respondents.*

Filed On: July 30, 2024

Cases: NYSCEF-153436/2022, NYSCEF-2022/05698

**BEFORE:** Lizabeth González, Justice Presiding,

Date: July 30, 2024

Case # 2022 - 05698

Index/Indict/Docket# 153436/ 2022

*Appendix 50*

Title Gina Robinson  
of  
Matter Fashion District Dental; Dr. Justin  
Rashbaum, DMD; Dr. David Stein, DMD; Dr. Jay  
Rashbaum, DMD; Dr. Michael Abrams, DDS

Appeal by Order(x) Supreme(x) County New York  
Plaintiff from Judgment( ) of Surrogate's( )  
Decree( ) Family( ) Court entered on 12/9, 2022

Name of  Notice of Appeal  
Judge Hon. Lynn R. Kotler filed on 12/19, 2022

If from administrative determination, state agency N/A

Nature of Negligence, breach of contract, fraud,  
action or (34 causes of action in complaint) regarding  
proceeding the fabrication and delivery of a dental  
retainer.

Provisions of (X) order

Judgment appealed from 1) Plaintiff/  
 decree Appellant appealed from  
entire order 2) Defendants/ Respondents/ Cross –  
Appellants Stein and Jay Rashbaum appealed from  
grant of SJ to Plaintiff and denial of SJ on 3<sup>rd</sup> cause of  
action.

This application by 'respondent' is for An enlargement  
of time to September 4, 2024 (October 2024 Term) to

*Appendix 50*

allow Respondents' /Cross - Appellants to file the  
Respondents' / Cross-Appellant's Brief.

If applying for a stay, state reason why requested  
No application for stay.

Has any undertaking been posted No If "yes", state amount and type \_\_\_\_\_

Has application been made to court below for this relief No If "yes", state Disposition \_\_\_\_\_  
Has there been any prior Application here in this court NO If yes", state dates and nature Please

Has adversary been advised of this application Yes Does he/she consent No

<u>Attorney for Movant</u>	<u>Attorney for Opposition</u>
<u>Mr. Henry Schwartz, Esq</u>	Name <u>Gina Robinson</u>
<u>LAW OFFICES OF</u>	Address <u>200 West 80th</u>
<u>HENRY SCHWARTZ</u>	5N
<u>32 Court Street, Suite 908</u>	New York, NY 10024
<u>Brooklyn, New York</u>	
<u>11201, (718) 222-3118</u>	Email <u>ginarobinson2018@gmail.com</u>

*Appendix 50*

DISPOSITION

Application granted to the extent of adjourning this appeal to the October 2024 Term. The balance of the relief requested is referred to a full bench for disposition (see Mot. No. 2024-003457, 2024-003501).

s/ Bahaati E. Pitt-Burke 8 / 1, 2024

Justice Date

Hon. Bahaati E. Pitt-Burke

**Motion Date** 08/26/2024 **Opposition** 08/16/2024

**Reply** 08/23/2024

EXPEDITE \_\_\_\_\_ PHONE ATTORNEYS \_\_\_\_\_

DECISION BY \_\_\_\_\_

ALL PAPERS TO BE SERVED **PERSONALLY**

electronically/via NYSCEF \_\_\_\_\_ TJN

Court Attorney

No appearances had on interim application.

**APPENDIX 51 - TORTFEASORS FILE (AIR)  
AUGUST 4, 2024, FOR EXTENSIONS TO  
NOVEMBER TERM (NYSCEF DOC. NO. 202 &  
203). THEY ARE REMOVED BUT GRANTED  
ANYWAY IN DOC. NO. 205 (APP.2), BEFORE  
THE SUPREME COURT OF THE  
STATE OF NEW YORK APPELLATE DIVISION,  
FIRST JUDICIAL DEPARTMENT,  
DATED JULY, 2024**

**SUPREME COURT OF THE STATE OF NEW YORK  
APPELLATE DIVISION, FIRST JUDICIAL  
DEPARTMENT**

No. 153436/2022

GINA ROBINSON,

*Plaintiff,*

V.

FASHION DISTRICT DENTAL, ET AL.,

*Defendants.*

Filed On: July, 2023

**BEFORE:** Anil C. Singh, Justice Presiding,  
Lizbeth González  
Tanya R. Kennedy  
Julio Rodriguez III  
Bahaati E. Pitt-Burke,

*Appendix 51*

196. AFFIDAVIT OR AFFIRMATION IN OPPOSITION  
(Motion #3457 "Corrected")  
Affirmation in Support  
Robinson, Gina (Pro Hac/ Pro Se)  
Filed 07/23/2024 - Received 07/23/2024  
PROCESSED Confirmation Notice
197. APPLICATION FOR INTERIM RELIEF W/SUPPORTING DOCUMENTS INCLUDING EXHIBIT(S)  
(Motion #3730) "Corrected"  
Motion to strike/ Dismiss Appeal  
ANDERSON, JOHN PATRICK.  
Filed: 07/29/2024 - Received: 07/31/2024  
PROCESSED Confirmation Notice
198. APPLICATION FOR INTERIM RELIEF W/SUPPORTING DOCUMENTS INCLUDING EXHIBIT(S)  
Returned For Correction
199. AFFIRMATION (M) (Motion #3501)  
REPLY AFFIRMATION  
ROTHMAN, DENNIS MICHAEL  
Filed: 08/01/2024 - Received: 08/01/2024
200. ORDER (Motion #3730) Court User  
Filed: 08/02/2024 - Received: 08/02/2024  
PROCESSED Confirmation Notice

*Appendix 51*

201. AFFIDAVIT OR AFFIRMATION IN REPLY  
TO MOTION (Motion #3457)  
Plaintiff's Aff in Reply in Support of Mot 3457  
Robinson, Gina (Pro Hac/ Pro Se)  
Filed 08/02/2024 - Received 08/02/2024  
PROCESSED Confirmation Notice

202. APPLICATION FOR INTERIM RELIEF  
W/SUPPORTING DOCUMENTS  
INCLUDING EXHIBIT(S)  
Returned For Correction

203. AFFIDAVIT OR AFFIRMATION IN REPLY  
TO MOTION (Motion #3457)  
Returned For Correction

204. \*\*\*DELETED\*\*\*

205. ORDER (Motion #3457) Court User  
Filed: 09/26/2024 - Received: 09/26/2024  
PROCESSED Confirmation Notice

206. ORDER (Motion #3501) Court User  
Filed: 09/26/2024 - Received: 09/26/2024  
PROCESSED Confirmation Notice

207. ORDER (Motion #3730) Court User  
Filed: 09/26/2024 - Received: 09/26/2024  
PROCESSED Confirmation Notice  
PROCESSED Confirmation Notice

*Appendix 51*

208. PROOF OF SERVICE OF NOTICE OF  
APPEAL  
Robinson, Gina (Pro Hac/ Pro Se)  
Filed 10/10/2024 - Received 10/10/2024  
PROCESSED Confirmation Notice

**APPENDIX 52 – PETITIONER'S ACCEPTED  
JOINT RECORD & BRIEF ENTERED APRIL  
30 2024 AMENDED JUNE 20, 2024 (DOCS.  
NO 169 & 170), BEFORE THE SUPREME  
COURT OF THE STATE OF NEW YORK  
APPELLATE DIVISION,  
FIRST JUDICIAL DEPARTMENT,  
DATED JUNE, 2024**

**SUPREME COURT OF THE STATE OF NEW YORK  
APPELLATE DIVISION, FIRST JUDICIAL  
DEPARTMENT**

No. 153436/2022

GINA ROBINSON,

*Plaintiff,*

V.

FASHION DISTRICT DENTAL, ET AL.,

*Defendants.*

Filed On: June, 2024

**BEFORE:** Anil C. Singh, Justice Presiding,  
Lizbeth González  
Tanya R. Kennedy  
Julio Rodriguez III  
Bahaati E. Pitt-Burke,

*Appendix 52*

169.	JOINT RECORD ON APPEAL-“Corrected” ADDITIONAL VOLUME Plaintiff's Amended Joint Record on Appeal Vol 1 of 1 Possible SSN Administratively Redacted Robinson, Gina (Pro Hac/ Pro Se) Filed 04/30/2024 - Received 06/20/2024 PROCESSED Confirmation Notice
170.	APPELLANT'S BRIEF -“Corrected” Plaintiff-Appellant's Amended JRoA Brief June 2024 Robinson, Gina (Pro Hac/ Pro Se) Filed 04/30/2024 - Received 06/20/2024 PROCESSED Confirmation Notice

171. NOTICE OF MOTION W/SUPPORTING DOCUMENTS INCLUDING EXHIBIT(S) (PROPOSED) (Motion #2270) -“Corrected”  
Please present before a Judge, thank you  
Robinson, Gina (Pro Hac/ Pro Se)  
Filed 05/06/2024 - Received 05/08/2024  
PROCESSED Confirmation Notice

172. NOTICE OF MOTION W/ SUPPORTING DOCUMENTS INCLUDING EXHIBIT(S)  
Returned For Correction

173. NOTICE OF MOTION W/ SUPPORTING

*Appendix 52*

DOCUMENTS INCLUDING EXHIBIT(S) -  
(Motion #2481) -“Corrected”  
KOTLER, DANIEL SETH  
Filed: 05/17/2024 - Received: 05/20/2024  
PROCESSED Confirmation Notice

174. AFFIDAVIT OR AFFIRMATION IN  
OPPOSITION (Motion #3457)  
Affirmation and exhibits are identical to the  
affirmation and exhibits are filed in support of  
Dr. Rashbaum  
ROTHMAN, DENNIS MICHAEL  
Filed: 05/17/2024 - Received: 05/20/2024
175. EXHIBIT(S) – E (Motion 2270)  
Possible SSN Administratively Redacted  
Returned For Correction
176. EXHIBIT(S) – F (Motion 2270)  
Returned For Correction
177. AFFIDAVIT OR AFFIRMATION IN  
OPPOSITION (Motion #2270)  
“Corrected” Affirmation in Opposition  
SCHWARTZ, HENRY R  
Filed: 05/21/2024 - Received: 05/22/2024
178. AFFIDAVIT OR AFFIRMATION IN  
OPPOSITION (Motion #2481)  
“Corrected” Affirmation in Support

*Appendix 52*

SCHWARTZ, HENRY R  
Filed: 05/21/2024 - Received: 05/22/2024

179. NOTICE OF CROSS-MOTION  
W/SUPPORTING DOCUMENTS  
INCLUDING EXHIBIT(S)  
Returned For Correction
  
180. NOTICE OF CROSS-MOTION  
W/SUPPORTING DOCUMENTS  
INCLUDING EXHIBIT(S) (Motion #2681)  
“Corrected”  
Amended – Please replace Doc dated May 28  
Robinson, Gina (Pro Hac/ Pro Se)  
Filed 05/29/2024 - Received 06/03/2024  
PROCESSED Confirmation Notice
  
181. AFFIDAVIT OR AFFIRMATION IN REPLY  
TO MOTION (Motion #2481)  
REPLY AFFIRMATION IN FURTHER  
SUPPORT OF RESPONDENTS MOTION TO  
DISMISS THE APPEAL AND FOR  
CONTEMPT AND SANCTIONS  
ROTHMAN, DENNIS MICHAEL  
Filed: 05/31/2024 - Received: 05/31/2024
  
182. ORDER (Motion #2270) Court User  
Filed: 06/18/2024 - Received: 06/18/2024  
PROCESSED Confirmation Notice

*Appendix 52*

183. ORDER (Motion #2481) Court User  
Filed: 06/18/2024 - Received: 06/18/2024  
PROCESSED Confirmation Notice
  
184. ORDER (Motion #2681) Court User  
Filed: 06/18/2024 - Received: 06/18/2024  
PROCESSED Confirmation Notice
  
185. APPELLANT – RESPONDENT'S BRIEF -  
Returned For Correction
  
186. JOINT RECORD ON APPEAL -  
ADDITIONAL VOLUME - Possible SSN  
Administratively Redacted  
Returned For Correction

**APPENDIX 53 – PETITIONER'S ACCEPTED  
JOINT RECORD ENTERED APRIL 30 2024  
AMENDED JUNE 20, 2024, BEFORE THE  
SUPREME COURT OF THE STATE OF NEW  
YORK APPELLATE DIVISION,  
FIRST JUDICIAL DEPARTMENT,  
FILED JUNE 20, 2024**

**SUPREME COURT OF THE STATE OF NEW YORK  
APPELLATE DIVISION, FIRST  
JUDICIAL DEPARTMENT**

No. 2022-05698

GINA ROBINSON,

*Appellant,*  
V.

FASHION DISTRICT DENTAL, ET AL.,

*Respondents.*

Filed On: June 20, 2024

Cases: NYSCEF-153436/2022, NYSCEF-2022/05698

**BEFORE:** Anil C. Singh, Justice Presiding,  
Lizbeth González  
Tanya R. Kennedy  
Julio Rodriguez III  
Bahaati E. Pitt-Burke,

*Appendix 53*

FILED: APPELLATE DIVISION - 1ST DEPT  
04/30/2024 05:02 PM 2022-05698 NYSCEF DOC.  
NO. 169 RECEIVED NYSCEF: 06/20/2024

**#2022/05698**

SUPREME COURT OF THE STATE OF NEW  
YORK: APPELLATE DIVISION: FIRST JUDICIAL  
DEPARTMENT

---

GINA ROBINSON, Pro se Index No. 153436/2022  
Plaintiff-Appellant-Respondent

-against

FASHION DISTRICT DENTAL, A.K.A.  
UNDISCLOSED FIRM NAME DR. JUSTIN  
RASHBAUM, DMD DR. MICHAEL ABRAMS, DDS,  
Defendants-Respondents  
DR. DAVID STEIN, DMD;  
DR. JAY RASHBAUM, DMD  
Defendants-Respondents-Appellants

---

**AMENDED  
JOINT RECORD ON APPEAL  
VOLUME 1 OF 1**

Gina Robinson, Pro se 200 West 80th Street New  
York, NY 10024 (646) 266-1142 Dennis M. Rothman  
LESTER SCHWAB KATZ & DWYER, LLP 100 Wall  
Street New York, NY 10005 212 964-6611 Attorneys  
for Defendant Justin Rashbaum, D.M.D., Individually

*Appendix 53*

and doing business as Fashion District Dental John P. Anderson, Esq. The Law Offices of Henry Schwartz 32 Court Street, Suite 908 Brooklyn, NY 11201 718 222-3118 Attorneys for Defendants Dr. David Stein, DMD, Dr. Jay Rashbaum, DMD and Dr. Michael Abrams, D.D.S. Fashion District Dental

**APPENDIX 54 – PETITIONER'S ACCEPTED  
BRIEF ENTERED APRIL 30 2024 AMENDED  
JUNE 20, 2024, BEFORE THE SUPREME COURT  
OF THE STATE OF NEW YORK  
APPELLATE DIVISION,  
FIRST JUDICIAL DEPARTMENT,  
FILED JUNE 20, 2024**

**SUPREME COURT OF THE STATE OF NEW YORK  
APPELLATE DIVISION, FIRST  
JUDICIAL DEPARTMENT**

No. 2022-05698

GINA ROBINSON,

*Appellant,*

V.

**FASHION DISTRICT DENTAL, ET AL.,**

*Respondents.*

Filed On: June 20, 2024

Cases: NYSCEF-153436/2022, NYSCEF-2022/05698

**BEFORE:** Anil C. Singh, Justice Presiding,  
Lizbeth González  
Tanya R. Kennedy  
Julio Rodriguez III  
Bahaati E. Pitt-Burke,

*Appendix 54*

FILED: APPELLATE DIVISION - 1ST DEPT  
04/30/2024 05:02 PM 2022-05698 NYSCEF DOC.  
NO. 170 RECEIVED NYSCEF: 06/20/2024

**#2022/05698**

SUPREME COURT OF THE STATE OF NEW  
YORK: APPELLATE DIVISION: FIRST JUDICIAL  
DEPARTMENT

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GINA ROBINSON, Pro se Index No. 153436/2022  
Plaintiff-Appellant-Respondent

-against

FASHION DISTRICT DENTAL, A.K.A.  
UNDISCLOSED FIRM NAME DR. JUSTIN  
RASHBAUM, DMD DR. MICHAEL ABRAMS, DDS,  
Defendants-Respondents  
DR. DAVID STEIN, DMD;  
DR. JAY RASHBAUM, DMD  
Defendants-Respondents-Appellants

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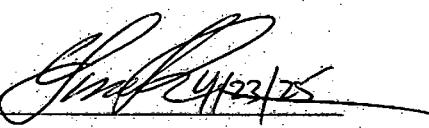
**PLAINTIFF-APPELLANT-RESPONDENT'S  
AMENDED JOINT RECORD ON APPEAL  
BRIEF**

Gina Robinson, Pro se  
108 W. 63rd St. No.22594  
Kansas City, MO 64113 (646) 266-1142  
ginarobinson2018@gmail.com

Dated: April 23, 2025

Gina Robinson, *Pro se*

NOTARY:

By: 

Gina Robinson  
108 West 63<sup>rd</sup> Street  
No. 22594  
Kansas City, MO 64113  
646-266-1142

TO:

Dennis M. Rothman  
LESTER SCHWAB KATZ  
& DWYER, LLP  
100 Wall Street  
New York, NY 10005  
212 964-6611  
Attorneys for Respondent  
Justin Rashbaum,  
D.M.D., Individually and  
doing business as  
Fashion District Dental

John P. Anderson, Esq.  
The Law Offices of Henry  
Schwartz  
32 Court Street, Suite 908  
Brooklyn, NY 11201  
718 222-3118  
Attorneys for Respondents  
Dr. David Stein,  
DMD, Dr. Jay Rashbaum,  
DMD and Dr.  
Michael Abrams, D.D.S.

# MISSOURI NOTARY ACKNOWLEDGMENT

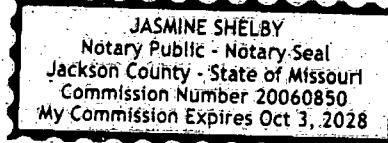
THE STATE OF MISSOURI

COUNTY AND OR CITY OF Jackson

On this 23 day of April in the year 2025, before me, a Notary Public in and for said state, personally appeared Gina Robinson (name of individual), known to me to be the person who executed the within petition (type of document), and acknowledged to me that he/she executed the same for the purposes therein stated.

Jasmine Shelby  
Notary Public Signature

Print Jasmine Shelby



(Seal)