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**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:

BY: /S/
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).

6a

Appendix 2

ENTERED: September 26, 2024

BY: /S/
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 Judge Hon. Lynn R. Kotler Notice of Appeal
 filed on 12/19, 2022

If from administrative determination, state agency

Nature of Tortious breach of contract, theft, forgery,
 action or 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 <u>No</u>	If "yes", state Disposition _____
Has there been any prior Application here in this court	If yes", state dates and nature <u>2/22/2019</u>
<u>Yes</u>	

Has adversary been advised of this application <u>Yes</u>	Does he/she . consent <u>Unknown</u>
---	--------------------------------------

Attorney for Movant
Name Gina Robinson
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5N
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Tel. No. 646-266-1142
Email ginarobinson2018
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Attorney for Opposition
Mr. Dennis M. Rothman
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Appearing by _____
100 Wall Street
New York, NY 10005
212 964-6611

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-

Fashion District Dental et al

PART 8
INDEX NO:
153436-2022
MOT. DATE
MOT. SEQ. -
NO. 1-3

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).

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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

14a

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.L YNN 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 properly 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 compliant. 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. LYNN 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 plaintiffs
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.L YNN 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 Center~~ 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 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

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were both sufficient and should by 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, 20 22 *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 Center~~ 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;

DR. JUSTIN RASHBAUM, DMD;

DR. DAVID STEIN, DMD;

DR. JAY RASHBAUM, DMD;

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

Defendants,

ORDER TOSHOW CAUSETO QUASH

DEFENDANTS

DEMANDS FOR

ORAL EXAM-

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.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 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;	<u>ORDER TO</u>
DR. JUSTIN RASHBAUM, DMD;	<u>SHOW CAUSE</u>
DR. DAVID STEIN, DMD;	TO COMPEL
DR. JAY RASHBAUM, DMD;	DEFENDANTS'
DR. MICHAEL ABRAMS, D.D.S.,	COMPLIANCE
	WITH
Defendants,	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 31st, 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. LYNN 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
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

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
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

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
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

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 prose
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 2ND
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
10005
(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,

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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.

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== 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.

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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 effect (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 14TH
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,

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Filed On: December 21, 2023

Case No: 2022-05698

New York County

Index No. 153436/2022

AFFIDAVIT IN REPLY TO
RESPONDENTS OPPOSITION
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

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discriminatory actions taken by the court culminating in the violation of Plaintiff's 14th 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.

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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 ¶ 4)s.

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.

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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

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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

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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; affirmance; 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);

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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

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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.

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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

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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

I. Gina Robinson being duly sworn, 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

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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

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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

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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

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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

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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

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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]):

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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

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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.

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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

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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:

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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

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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.

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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.

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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

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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

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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);

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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

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

GINA ROBINSON
Plaintiff-Appellant(s)

-Vs-

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

TO:
Gina Robinson
108 W. 63 Street, No. 22594
Kansas City, Missouri 64113
Plaintiff pro se
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

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, 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 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.

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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 01lices of Henry Schwartz, 32 Court Street, Brooklyn, NY 11201.

LIAM RIDLEY	<u>s/ Gina Robinson</u>
Notary Public-Notary Seal	Gina Robinson
Jackson County - State of Missouri	
Commission Number 22330672	
My Commission Expires Dec 26, 2026	

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

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

**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 <drashbaum@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 youre 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

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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

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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.
Credit Sale:	
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

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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

The Orthodontist Dr. Michael Abrams -
michabrams725@gmail.com

The Group Fashion District Dental -
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 6 th, 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. L YNN R. KOTLER, J.S.C., Justice
Presiding,

Justin drrashbaum@yahoo.com
to Michael, info, me

Jul 24, 2021,
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 6th 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)

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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.L YNN 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:

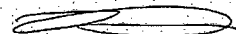
Appendix 27

Sample A
Gina Robinson's
signature


Gina Robinson

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 Space to Sign on Screen) (DO NOT SIGN HERE)



Sample B
Gina Robinson's
signature

1/11/2010

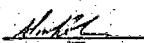
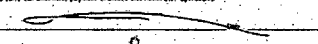


Exhibit B
FDD False signature

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 Space to Sign on Screen) (DO NOT SIGN HERE)

Signature



Signature

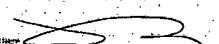
YOU ARE ENTITLED TO A COPY OF THIS CONSENT AFTER YOU SIGN IT.

Sample C
Gina Robinson's
signature


Gina Robinson

Exhibit C
FDD False signature

Signature



Signature

Signature

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.L YNN R. KOTLER, J.S.C., Justice
Presiding,

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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)

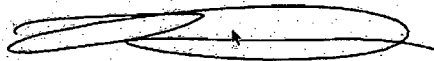
Patient or Legal Guardian Name

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)

A stylized handwritten signature in black ink, consisting of a large, loopy 'S' shape followed by a horizontal line and a small upward stroke.

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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 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.

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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.**

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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 health care 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 health care 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 practices 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.

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 decide 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 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

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

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

Appendix 29A-E

29A

justin rashbaum <drashbaum@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 <dr rashbaum@yahoo.com>
Cc: Michael Abrams <michabrams725@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:

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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

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the chart.

justin rashbaum <drashbaum@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.

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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 <drashbaum@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

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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: fashiondistrictdental.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

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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 17th

"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.

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justin rashbaum <dr rashbaum@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 lawsuitwhich 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 <drashbaum@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

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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

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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.

153a

**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.L YNN 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.

155a

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 A0000000098****
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-****-****	

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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

TOTAL	\$29.99
DEBIT CARD	\$29.00
AUT CODE	H36***
CHANGE	.00

SALE
AID A0000000098****
US DEBIT
Integrated chip card
PIN Verified

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

**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.L YNN 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.

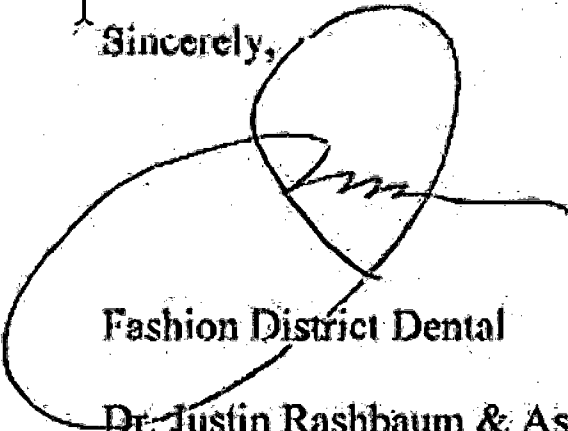
Upon written authorization, a copy of your dental

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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

Sincerely,

Fashion District Dental
Dr. Justin Rashbaum & Associates

**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 <drashbaum@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

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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

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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.L YNN 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.L YNN R. KOTLER, J.S.C., Justice
Presiding,

Appendix 34

ILLEGAL TRANSFER OF PETITIONER'S
MEDICAL RECORDS TO 3RD 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

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

169a

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2021-07-14

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

-----X
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

- X
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

177a

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: 1st, 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: Lizbeth 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 Judge Hon. Lynn R. Kotler Notice of Appeal
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 3rd 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 If "yes", state
 court below for this relief No Disposition _____
 Has there been any prior If yes", state dates
 Application here in this court and nature Please
See attached letter below (Exhibit A)

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

<u>Attorney for Movant</u>	<u>Attorney for Opposition</u>
<u>Mr. Henry Schwartz, Esq</u>	<u>Name Gina Robinson</u>
<u>LAW OFFICES OF</u>	<u>Address 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>	<u>Email ginarobinson2018</u>
	<u>@gmail.com</u>

*Appendix 38*DISPOSITION

Motion granted. Appeal adjourned to the October
2023 Term.

s/ Bahaati E. Pitt-Burke

Justice

Hon. Bahaati E. Pitt-Burke

8 / 4, 2023

Date

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: Lizbeth 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 _____

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

Attorney for Movant
Lester Schwab Katz &
Dwyer, LLP
100 Wall Street, 27th Fl
New York, NY 10005
212 - 341-4343
drothman@lskdnylaw.com
Dennis M. Rothman, Esq.
Attorneys for Defendants-
Baum, DMD, individually
and doing business as
Fashion District Dental
Respondents Justin Rash-

Attorney for Opposition
Name Gina Robinson
108 West 63rd Street, No.
22594
Kansas City, MO 64113
Tel. No. 646-266-1142
Plaintiff pro se

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-filed 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

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")¹ 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

¹ 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)2 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 II, 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 II, 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

195a

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- -
Respodents-
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 14th 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

201a

**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,

*Plaintiff Appellant,
Respondent*

-against-

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

Defendants-Respondents

Case No.
2022-05698

New York
County
OF COURT

Index No.
153436-2022

**NOTICE OF
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

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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;

NOTICE
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
IMPRISONMENT FOR CONTEMPT OF COURT

PLEASE TAKE NOTICE, that upon the attached

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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.

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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;

Defendants-Respondents-Appellants,

Case No.
2022/ 05698
2ND AMENDED
NOTICE
OF CROSS
MOTION FOR
CONTEMPT
OF COURT
against
Defendants-
Respondents-
Appellants
Index No.
153436/2022

-----x
WARNING

FAILURE TO APPEAR IN COURT MAY RESULT
IN YOUR IMMEDIATE ARREST AND
IMPRISONMENT FOR 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.

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"In the Full Record Method you have to give the Appellate Court everything that the lower court has reviewed."

Perfecting the Appeal, Court Help
- NYCOURTS.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

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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 it 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)).*

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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,

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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
2ND AMENDED
NOTICE
OF CROSS
MOTION FOR
CONTEMPT
OF COURT
against
Defendants-
Respodents-
Appellants
Index No.
153436/2022

-----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

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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

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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).

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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,
-----x

Case No.
2022/ 05698

AFFIDAVIT
IN OPPOS-
ITION TO
DEFEND-
ANT'S
MOTION
No. 3501

TO STRIKE
PLAINTIFF'S
BRIEF
Index No.
153436/2022

== 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;

Defendants-Respondents-Appellants,

Case No.
2022/05698
AFFIDAVIT
IN OPPOSI-
TION TO
DEFENDANTS'
MOTION No.
3501 TO
STRIKE
PLAINTIFF'S
BRIEF &
JROA
Index No.
153436/2022

-----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

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and Joint Record on Appeal (JRoA).

2. Plaintiff-Appellant respectfully requests the Appellate Court either accept Plaintiff's 2nd 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 filings 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,

*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
DEFENDANTS'
MOTION No.
3501 TO
STRIKE
PLAINTIFF'S
BRIEF &
JROA
Index No.
153436/2022

-----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: Lizbeth 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 Judge Hon. Lynn R. Kotler Notice of Appeal
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 3rd 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 If "yes", state
 court below for this relief No Disposition _____
 Has there been any prior If yes", state dates
 Application here in this court NO and nature Please

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

<u>Attorney for Movant</u>	<u>Attorney for Opposition</u>
<u>Mr. Henry Schwartz, Esq</u>	<u>Name Gina Robinson</u>
<u>LAW OFFICES OF</u>	<u>Address 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>11201, (718) 222-3118</u>	<u>Email ginarobinson2018</u>
	<u>@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
Justice
Hon. Bahaati E. Pitt-Burke

8 / 1, 2024
Date

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

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

**PLAINTIFF-APPELLANT-RESPONDENT'S
AMENDED JOINT RECORD ON APPEAL
BRIEF**

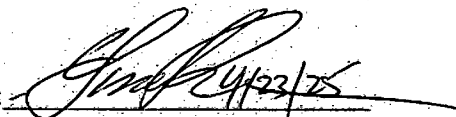
Gina Robinson, Pro se
108 W. 63rd St. No.22594
Kansas City, MO 64113 (646) 266-1142
ginarobinson2018@gmail.com

Dated: April 23, 2025

Gina Robinson, *Pro se*

NOTARY:

By:



Gina Robinson
108 West 63rd 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

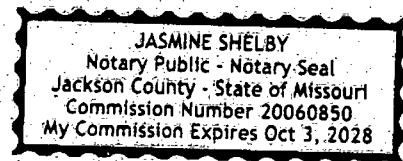
Jackson

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)