

Supreme Court of the State of New York
Appellate Division: Second Judicial Department

D26871
C/prt

_____AD3d_____

Submitted - March 24, 2010

STEVEN W. FISHER, J.P.
JOSEPH COVELLO
RUTH C. BALKIN
JOHN M. LEVENTHAL
PLUMMER E. LOTT, JJ.

2009-07718

DECISION & ORDER

Carmina Taddeo-Amendola, et al., respondents, v
970 Assets, LLC, et al., appellants, et al., defendant.

(Index No. 1723/09)

Behnam Kahen, Flushing, N.Y., for appellants.

Cassisi & Cassisi, P.C. (Shayne, Dachs, Corker, Sauer & Dachs, LLP, Mineola, N.Y.
[Jonathan A. Dachs], of counsel), for respondents.

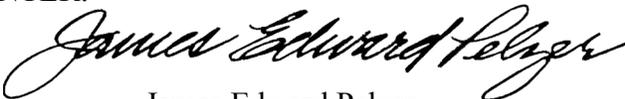
In an action, inter alia, to recover for property damage, the defendants 970 Assets, LLC, Sharon Cohen, Century Development of NY, Inc., and Glenwood Assets, Inc., appeal from an order of the Supreme Court, Queens County (Mayersohn, J.), dated June 26, 2009, which granted the plaintiffs' motion for leave to enter a judgment against them upon their failure to answer the complaint, and denied their cross motion to vacate their default in answering the complaint and to compel the plaintiffs to accept their untimely answer.

ORDERED that the order is affirmed, with costs.

“A defendant seeking to vacate a default in answering a complaint must demonstrate a justifiable excuse for the default and a meritorious defense to the action (*see* CPLR 5015[a][1]; *Caputo v Peton*, 13 AD3d 474; *Glibbery v Cosenza & Assoc.*, 4 AD3d 393)” (*Fekete v Camp Skwere*, 16 AD3d 544, 545). Here, the appellants failed to do either.

FISHER, J.P., COVELLO, BALKIN, LEVENTHAL and LOTT, JJ., concur.

ENTER:



James Edward Pelzer

April 6, 2010

TADDEO-AMENDOLA v 970 ASSETS, LLC

Clerk of the Court

April 6, 2010

TADDEO-AMENDOLA v 970 ASSETS, LLC