

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

D32776
W/kmb

_____AD3d_____

Submitted - October 19, 2011

PETER B. SKELOS, J.P.
DANIEL D. ANGIOLILLO
ARIEL E. BELEN
PLUMMER E. LOTT
SHERI S. ROMAN, JJ.

2010-09777

DECISION & ORDER

New Seven Colors Corp., respondent, v White
Bubble Laundromat, Inc., defendant, Soon Ok
Sung, appellant (and a third-party action).

(Index No. 2585/06)

Solomon Zabrowsky, New York, N.Y. (Samuel A. Ehrenfeld of counsel), for
appellant.

Fred L. Seeman, New York, N.Y. (Peter Kirwin of counsel) for respondent.

In an action, inter alia, to recover on a promissory note, the defendant Soon Ok Sung
appeals from an order of the Supreme Court, Kings County (Saitta, J.), dated September 22, 2009,
which denied her motion to vacate a judgment of the same court entered June 3, 2008, which, upon
her default in opposing the plaintiff's separate motions pursuant to CPLR 3126 to strike her answer
and pursuant to CPLR 3215(e) for leave to enter judgment against her, is in favor of the plaintiff and
against her in the principal sum of \$100,000.

ORDERED that the order is affirmed, with costs.

In order for the appellant to obtain relief from her defaults in opposing the plaintiff's
separate motions pursuant to CPLR 3126 to strike her answer and pursuant to CPLR 3215(e) for
leave to enter judgment against her, the appellant was required to demonstrate both a reasonable
excuse for those defaults, as well as potentially meritorious opposition to the motions (*see* CPLR
5015[a][1]; *L & L Auto Distribs. & Suppliers Inc. v Auto Collection, Inc.*, 85 AD3d 734, 735). Here,
even if the appellant proffered a reasonable excuse for her defaults, she failed to demonstrate a

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potentially meritorious opposition to the motions. Accordingly, the Supreme Court providently exercised its discretion in denying the appellant's motion to vacate the judgment entered against her on June 3, 2008 (*see Codoner v Bobby's Bus Co. Inc.*, 85 AD3d 843, 844).

SKELOS, J.P., ANGIOLILLO, BELEN, LOTT and ROMAN, JJ., concur.

ENTER:


Matthew G. Kiernan
Clerk of the Court