

Dariel Realty Corp. v 89 New Chinatown Rest.
2026 NY Slip Op 30895(U)
March 10, 2026
Supreme Court, New York County
Docket Number: Index No. 159201/2023
Judge: Brendan T. Lantry
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**SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY**

PRESENT: HON. BRENDAN T. LANTRY PART 46M

Justice

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DARIEL REALTY CORP.,

Plaintiff,

-- against --

89 NEW CHINATOWN RESTAURANT, ZHIJIE JIANG
d/b/a 89 NEW CHINATOWN RESTAURANT and
ZHIJIE JIANG individually, NY FIRETECH, INC.,
EDUARDO CASTRO, EDUARDO CASTRO d/b/a
PROFESSIONAL CLEANING FIRE PREVENTION,
CO.,

Defendants.

-----X

89 NEW CHINATOWN RESTAURANT, ZHIJIE JIANG
d/b/a 89 NEW CHINATOWN RESTAURANT and
ZHIJIE JIANG individually,

Third-Party Plaintiffs,

-- against --

NY FIRETECH, INC., EDUARDO CASTRO,
EDUARDO CASTRO d/b/a PROFESSIONAL
CLEANING FIRE PREVENTION, CO., and SUMWIN
HEATING AND COOLING, INC.,

Third-Party Defendants.

-----X

UTICA FIRST INSURANCE COMPANY as subrogee of
ZHIJIE JIANG d/b/a 89 NEW CHINATOWN
RESTAURANT and THE D FOOD INC d/b/a ROYAL
FRIED CHICKEN,

159475/2024
(Action No. 2)

**DECISION + ORDER ON
MOTION**

159201/2023
(Action No. 1)

Plaintiff,

-- against --

NY FIRETECH INC, EDUARDO CASTRO, EDUARDO CASTRO d/b/a PROFESSIONAL CLEANING FIRE PREVENTION CO. and SUMWIN HEATING & COOLING INC,

Defendants.

-----X

The following e-filed documents, listed by NYSCEF document number (Motion 001) 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33

were read on this motion to/for JUDGMENT - DEFAULT.

Plaintiff UTICA FIRST INSURANCE COMPANY (hereinafter “UTICA”) moves for a default judgment pursuant to CPLR § 3215 against Defendant SUMWIN HEATING & COOLING INC (hereinafter “SUMWIN”) for failure to appear or otherwise respond to the Complaint.

A plaintiff moving for default judgment must establish proper service on defendant, defendant's default, and the facts constituting the plaintiff’s claims. *See* CPLR § 3215(f).

Here, UTICA has established proper service upon SUMWIN by serving a copy of the summons and verified complaint upon the New York Secretary of State on or about December 17, 2024 (*see* NYSCEF Doc. No. 28). SUMWIN has failed to appear or answer, and the time to do so has expired. As such, SUMWIN is in default of this proceeding.

By virtue of a defendant’s default, the defendant is “deemed to have admitted all factual allegations contained in the complaint and all reasonable inferences that flow from them” and the issue of liability is thus determined as a matter of law (*see Paez v 1610 Saint Nicholas Ave. L.P.*, 113 AD3d 523 [1st Dept 2014]). UTICA has sufficiently proven the facts constituting its claim for default judgment against SUMWIN through the affirmation of Nicholas K. Neonakis, Esq. and the exhibits annexed thereto (*see* NYSCEF Doc. Numbers 16-31).

Finally, the UTICA has satisfied its notice requirements pursuant to CPLR 3215(g) in effectuating additional service of the summons by first class mail upon SUMWIN at its last known address on or about March 20, 2025 and June 27, 2025 (*see* NYSCEF Doc. Numbers 29 and 30).

Accordingly, it is ORDERED that the motion by Plaintiff UTICA for a default judgment pursuant to CPLR § 3215 against Defendant SUMWIN is granted, without opposition; and it is further

ORDERED that this matter shall be set down for an assessment of damages as against SUMWIN; and it is further

ORDERED that UTICA may file a Notice of Issue/Notice of Inquest against SUMWIN; and it is further

ORDERED that counsel for UTICA is directed to serve a copy of this Decision and Order with notice of entry within twenty days upon SUMWIN and upon the Clerk of the General Clerk's Office, who is directed, upon the filing of a Note of Issue/Notice of Inquest and a certificate of readiness and the payment of proper fees, if any, to place this action on the appropriate trial calendar for the assessment hereinabove directed, and it is further

ORDERED that such service upon the Clerk of the General Clerk's Office shall be made in accordance with the procedures set forth in the *Protocol on Courthouse and County Clerk Procedures for Electronically Filed Cases* (accessible at the "E-Filing" page on the court's website at the address www.nycourts.gov/supctmanh).

This constitutes the Decision and Order of the Court.

3/10/2026

DATE


BRENDAN T. LANTRY, J.S.C.

CHECK ONE:

CASE DISPOSED

NON-FINAL DISPOSITION

GRANTED

DENIED

GRANTED IN PART

OTHER

APPLICATION:

SETTLE ORDER

SUBMIT ORDER

CHECK IF APPROPRIATE:

INCLUDES TRANSFER/REASSIGN

FIDUCIARY APPOINTMENT

REFERENCE