

Omega Consulting v Carson Oil Co.
2026 NY Slip Op 31102(U)
March 19, 2026
Supreme Court, New York County
Docket Number: Index No. 652466/2025
Judge: Emily Morales-Minerva
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SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK: PART 42M

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OMEGA CONSULTING

Plaintiff,

- v -

CARSON OIL COMPANY,

Defendant.

INDEX NO. 652466/2025

MOTION DATE 06/11/2025

MOTION SEQ. NO. 001

**DECISION + ORDER ON
MOTION**

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The following e-filed documents, listed by NYSCEF document number (Motion 001) 2
were read on this motion to/for JUDGMENT - SUMMARY IN LIEU OF COMPLAINT

APPEARANCES:

Robert B. Amidon, A Law Corporation, Valley Village, CA
(Robert Bruce Amidon, Esq., of counsel) for plaintiff.

HON. EMILY MORALES-MINERVA:

In this action to enforce a July 13, 2018 judgment issued
by a Texas Court in favor of plaintiff OMEGA CONSULTING and
against defendant CARSON OIL COMPANY, plaintiff moves, by notice
of motion (sequence number 01), pursuant to CPLR § 3213, for
summary judgment in lieu of complaint. Defendant does not
appear or submit opposition to the motion.

BACKGROUND

On July 13, 2018, Judge Norma Gonzales of the Bexar County District Court in Bexar County, Texas entered judgment in favor of plaintiff and against defendant in the amount of \$1,132,246.58 pursuant to Case No. 2018-CI-03764 (Texas judgment) (see New York State Court Electronic Filing System [NYSCEF] Doc. No. 05, Texas judgment, authenticated in accordance with CPLR § 4540¹). Said judgment provides:

"ORDERED AND HELD that this Court has personal jurisdiction over the defendant, inasmuch as such defendant's conduct caused damages to a Texas entity, and service has been perfected on said defendant, and this Court has subject matter jurisdiction over the issues herein, AND THIS COURT ENTERS JUDGMENT in favor of [plaintiff] Omega Consulting against [defendant] Carson Oil Company. Additionally, it is further ORDERED that the plaintiff, Omega Consulting, recover from said defendant (1) \$1,312,246.58 in liquidated damages, and (2) \$250.00 in costs of court"

(id.).

Despite entry of the Texas judgment, defendant failed to remit the payment, or any portion thereof (see NYSCEF Doc. No.

¹ CPLR § 4540 (c), which governs authentication of an official record of a court or government office in the United States, provides, "[w]here the copy is attested by an officer of another jurisdiction, it shall be accompanied by a certificate that such officer has legal custody of the record, and that his signature is believed to be genuine, which certificate shall be made by a judge of a court of record of the district or political subdivision in which the record is kept, with the seal of the court affixed; or by any public officer having a seal of office and having official duties in that district or political subdivision with respect to the subject matter of the record, with the seal of his office affixed."

04, affidavit of Eric B. Dangerfield, principal of plaintiff, in support of plaintiff's motion for summary judgment in lieu of complaint).

Plaintiff now moves (mot. seq. no. 02), pursuant to CPLR § 3213, for summary judgment in lieu of complaint against defendant. Therein, plaintiff contends that the Texas judgment is an instrument for the payment of money only and because defendant has failed to remit payment, it is entitled to summary judgment in lieu of complaint pursuant to CPLR § 3213. Accordingly, plaintiff seeks entry of judgment in the amount of \$1,132,496.58, together with interest at 5% per year from July 13, 2018, and post-judgment interest from the date of entry of judgment until such time the judgment is paid (see id.).

In support of its motion, plaintiff submits the authenticated Texas Judgment (NYSCEF Doc. No. 05), a memorandum of law (NYSCEF Doc. No. 03), and the affidavit of Eric B. Dangerfield, principal of plaintiff (NYSCEF Doc. No. 04).

On April 25, 2025, plaintiff served the summons and motion papers upon defendant (see NYSCEF Doc. No. 09, affirmation of service; see also BCL § 306 (b)(1) [governing service of process on corporations via the secretary of state as agent of an authorized foreign corporation]). Despite proper service of process, defendant fails to appear or submit opposition to plaintiff's motion (seq. no. 01).

ANALYSIS

A plaintiff may seek relief under CPLR § 3213 "when [the] action is based upon an instrument for the payment of money only or a judgment" (see Weissman v Sinorm Deli, Inc., 88 NY2d 437, 444 [1996] [emphasis added] [holding that CPLR § 3213 begins with the threshold requirement "that the action be based on an instrument for the payment of money only or a judgment"]; see also LFR Collections LLC v Tammy Tran Attorneys at Law, LLP, 238 AD3d 490 [1st Dept 2025]).

As relevant here, "[t]he Full Faith and Credit Clause of article IV of the United States Constitution requires the courts of New York to enforce judgments rendered in other states, and precludes inquiry into the merits of a judgment" (Buckeye Retirement Co., L.L.C v Lee, 41 AD3d 183, 183 [1st Dept 2007]). "As a general rule, to establish its prima facie entitlement to judgment as a matter of law in an action upon a judgment, a plaintiff must produce an authenticated or exemplified copy of a judgment in its favor and against defendant, and make a showing that the judgment has not been satisfied in whole or in part" (Mortimer Offshore Services Ltd. v Manufacturas Orga Ltda, 2019 NY Slip Op 30720 [U] [Sup Ct NY Cnty 2019], citing Madjar v Rosa, 83 AD3d 1011 [2d Dept 2011]).

"Once the plaintiff submits evidence establishing these elements, the burden shifts to the defendant to submit evidence establishing the existence of a triable issue with respect to a bona fide defense" (Zyskind v FaceCake Mktg. Tech., Inc., 101 AD3d 550, 551 [1st Dept 2012]).

Here, plaintiff establishes its entitlement to recognition and enforcement of the Texas judgment against defendant, by providing an exemplified copy of the judgment, an affirmation of plaintiff's Principal, Eric B. Dangerfield, who states that defendant has made no payment on the judgment, and proof of service of the summons and motion papers on defendant (see RDI Trading, Inc. v US 1 Diamonds, Inc., 2018 WL 1863867 [Sup Ct NY Cnt 2018] [finding that plaintiff was entitled to summary judgment in lieu of complaint for the amount in the Texas judgment, which was an instrument for the payment of money only, no part of which had been paid]; see also Westland Garden State Plaza, L.P. v Ezat, Inc., 25 AD3d 516 [1st Dept 2006]).

By failing to appear or submit opposition to the motion (seq. no. 01), defendant fails to raise a triable issue with respect to a bona fide defense (Sears Holding Mgmt. Corp. v Rockaway Realty Assocs., LP, 176 AD3d 433, 433 [1st Dept 2019] [holding: "as defendants submitted no relevant admissible evidence in opposition to the motion, we affirm the grant of summary judgment [] in plaintiff's favor"]; see also Zuckerman v

City of New York, 49 NY2d 557, 560 [1980])). Therefore, plaintiff's motion (seq. no. 01) is granted.

With respect to interest, pre-judgment interest is computed "from the earliest ascertainable date the cause of action existed" (CPLR § 5001 [b] [governing prejudgment interest in equitable actions]). Further, CPLR § 5003 provides that post-judgment interest accrues on the judgment from the date judgment is entered (see CPLR 5003 ["Every money judgment shall bear interest from the date of its entry. Every order directing the payment of money which has been docketed as a judgment shall bear interest from the date of such docketing"]). Interest accrues on the full amount of the judgment so long as the judgment is unpaid (see Mahoney v Brockbank, 142 AD3d 200, 203 [2d Dept 2016] ["interest on the judgment continues to accrue until the judgment is satisfied"])).

Here, the Texas judgment was entered on July 13, 2018 (see NYSCEF Doc. No. 05, Texas judgment, dated and entered July 13, 2018]). Therefore, plaintiff is entitled to 5% interest per year from July 13, 2018 (see id., noting that the judgment "shall bear interest at 5% from the date of entry"]). Plaintiff is also entitled to post-judgment interest at the rate of 5% per year, from the date of entry of judgment until such time as the judgment is paid (see CPLR § 5003).

Accordingly, it is hereby

ORDERED that plaintiff's OMEGA CONSULTING motion (sequence number 01) for summary judgment in lieu of complaint is granted; it is further

ORDERED that plaintiff OMEGA CONSULTING is awarded a judgment against defendant CARSON OIL COMPANY for the amount of \$1,132,246.58, plus interest at the rate of 5% per annum from July 13, 2018, and post-judgment interest at the rate of 5% per annum from the date of entry of the judgment until such time the judgment is paid; it is further

ORDERED that the Clerk of Court is directed to enter judgment in favor of plaintiff OMEGA CONSULTING and against defendant CARSON OIL COMPANY in the amount of \$1,132,246.58, plus interest at the rate of 5% per annum from July 13, 2018, and post-judgment interest at the rate of 5% per annum from the date of entry of the judgment until such time the judgment is paid; and it is further

ORDERED that plaintiff OMEGA CONSULTING shall serve a copy of this order with notice of entry on defendant FINANCE CARSON OIL COMPANY, as well as on the Clerk of the Court, who shall enter judgment accordingly.

THIS CONSTITUTES THE DECISION AND ORDER OF THE COURT.

3/19/2026
DATE

Emily Morales-Minerva
EMILY MORALES-MINERVA, 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