

Supreme Court of the State of New York
Appellate Division, First Judicial Department

Scarpulla, J.P., González, Rodriguez, Higgitt, Hagler, JJ.

6993

LIFENG JIN,
Plaintiff-Appellant,

Index No. 100224/24

Case No. 2026-01500

-against-

DELTA REALTY GROUP LLC,
Defendant-Respondent.

Lifeng Jin, appellant pro se.

Sperber Kahan Law Group PLLC, New York (Steven B. Sperber of counsel), for respondent.

Order, Supreme Court, New York County (Nicholas W. Moyne, J.), entered on or about January 21, 2025, which denied plaintiff's motion for a default judgment and dismissed the action based on res judicata, unanimously reversed, on the law, without costs, the complaint reinstated, and the matter remanded for further proceedings consistent with this decision.

Supreme Court denied plaintiff's motion for a default judgment and dismissed the action as barred by res judicata upon a finding that the claim appeared to be duplicative of counterclaims plaintiff previously asserted in a prior action between the parties in Bronx Civil Court, which were dismissed in a May 2022 decision. Appellate Term, First Department later issued a decision reversing the judgment of the Bronx Civil Court and remanding for further proceedings, including consideration of landlord's summary judgment motion, based on its finding that "[a]lthough Civil Court's decision/order granting judgment to landlord expressly states that it is made 'after trial,'

a review of the transcript from the court appearance of April 5, 2022, reveals that no trial was actually held” (*Delta Realty Group LLC v Lifeng Jin*, 88 Misc 3d 132[A], 2026 NY Slip Op 50555[U], *1 [App Term, 1st Dept 2026])).

In light of the Appellate Term’s reversal of the Civil Court judgment underlying the res judicata ruling in contention here, the Supreme Court’s decision is reversed. The matter is remanded for further proceedings, including consideration of whether plaintiff’s motion for a default judgment should be granted because defendant, as it concedes, never appeared in this action.

THIS CONSTITUTES THE DECISION AND ORDER
OF THE SUPREME COURT, APPELLATE DIVISION, FIRST DEPARTMENT. °

ENTERED: June 30, 2026

A handwritten signature in black ink, appearing to read "Susanna M. Rojas". The signature is fluid and cursive, with the first and last names being more prominent than the middle initial.

Susanna Molina Rojas
Clerk of the Court