

City of New York v Huasheng Gift Shop Inc.
2017 NY Slip Op 32554(U)
January 27, 2017
Supreme Court, Queens County
Docket Number: 709635/14
Judge: Howard G. Lane
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Short Form Order

NEW YORK SUPREME COURT - QUEENS COUNTY

Present: HONORABLE HOWARD G. LANE
Justice

IAS PART 6

THE CITY OF NEW YORK,

Plaintiff,

-against-

HUASHENG GIFT SHOP INC. d/b/a "CBG
BAGS AND LUGGAGE", et al.,

Defendants.

Index No. 709635/14

Motion
Date November 29, 2016

Motion
Seq. No. 3

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FILED
FEB - 3 2017
COUNTY CLERK
QUEENS COUNTY

Upon the foregoing papers it is ordered that the renewed motion by plaintiff, The City of New York for a default judgment against defendant Huasheng Gift Shop Inc., d/b/a "CBG Bags and Luggage" ("Huasheng") is hereby granted without opposition.

In a decision/order dated April 19, 2016, this Court held in relevant part:

"As defendant Huasheng failed to comply with two Court Orders and has failed to provide an excuse for such non-compliance, defendant Huasheng's Answer shall be stricken without further order of the Court unless defendant Huasheng provides all outstanding discovery within sixty (60) days after service of a copy of this order with notice of entry."

It is undisputed that defendant Huasheng failed to comply with the terms of the April 19, 2016 order. As such, the Answer was stricken.

As defendant Huasheng's Answer has been stricken, upon proof of filing a copy of this order with the note of issue and statement of readiness and upon compliance with all the rules of this court, this action shall be placed on the trial calendar for inquest for the assessment of damages (including reasonable attorney's fees, cost and disbursements) at the time of the trial of the matter as to the remaining defendant(s) (*Vierya v Briggs & Stratton Corp.*, 184 AD2d 766 [2d Dept 1992] [inquest for damages against defaulting defendant to await end of trial against all defendants in interest of judicial economy]).

Plaintiff is directed to serve a copy of this order upon defendant Huasheng.

This constitutes the decision and order of the Court.

Dated: January 27, 2017


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Howard G. Lane, J.S.C.

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