

Vasquez v Global Constr. Mgt., LLC
2018 NY Slip Op 31070(U)
May 29, 2018
Supreme Court, New York County
Docket Number: 150272/2018
Judge: Kathryn E. Freed
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This opinion is uncorrected and not selected for official publication.

**SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY**

PRESENT: HON. KATHRYN E. FREED

PART

IAS MOTION 2

Justice

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INDEX NO. 150272/2018

MIREYA VASQUEZ,

MOTION DATE 05/14/2018

Plaintiff,

MOTION SEQ. NO. 001

- v -

GLOBAL CONSTRUCTION MANAGEMENT, LLC, NEW YORK HE
TRADING LLC

DECISION AND ORDER

Defendant.

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The following e-filed documents, listed by NYSCEF document number (Motion 001) 9, 10, 11
were read on this motion to/for JUDGMENT - DEFAULT

Upon the foregoing documents, it is ordered that the motion is granted without
opposition.

The underlying action was brought to recover damages for personal injuries
alleged to have been sustained by plaintiff Mireya Vasquez, on or about September
9, 2017 at the subject premises at 2240 Amsterdam Avenue, New York, New York
due solely to the negligence of defendants.

The underlying action was commenced by the filing of the summons and
complaint on or about January 10, 2018. (Doc. No. 1).¹ Service was effectuated on
defendant Global Construction Management, LLC, by service its place of business

¹ All references are to the documents filed with NYSCEF in connection with this matter.

at 1855 Westchester Avenue, Bronx, The complaint was verified by plaintiff on or about November 6, 2017. (Docs No. 1 and 11). New York, 10472, by delivering the summons and complaint and accompanying papers personally to “Kim” who indicated that she was a “Clerk authorized to accept” service on January 29, 2018. (Docs. No. 2, 11, Ex. B). A default letter pursuant to CPLR 3215 containing a copy of the summons and complaint, dated April 7, 2018, was served on Global Construction Management, LLC (Doc. No. 11, Ex. C). A copy of the within Motion for a Default was served on Global Construction Management, LLC on April 18, 2018. (Doc. No. 9). Plaintiff’s counsel now affirms that defendant has failed to appear in the instant motion and pursuant to CPLR 3215 and prays that a default judgment be entered against Global Construction Management, LLC. (Doc. No. 10).

CPLR 3215(a) provides, in pertinent part, that “[w]hen a defendant has failed to appear, plead or proceed to trial..., the plaintiff may seek a default judgment against him.” It is well settled that “[o]n a motion for leave to enter a default judgment pursuant to CPLR 3215, the movant is required to submit proof of service of the summons and complaint, proof of the facts constituting the claim, and proof of the defaulting party’s default in answering or appearing.” *Atlantic Cas. Ins. Co. v RJNJ Servs. Inc.*, 89 AD3d 649, 651 (2d Dept 2011).

Plaintiff has therefore established the facts constituting the claim and plaintiff is entitled to a default judgment against defendant Global Construction Management, LLC.

In light of the foregoing, it is hereby:

ORDERED that the motion by plaintiff Mireya Vasquez seeking a default judgment against defendant Global Construction Management, LLC is granted; and it is further,

ORDERED that, following the filing of the note of issue, this matter is to be set down for an inquest in favor of plaintiff Mireya Vasquez assessing damages against defendant Global Construction Management, LLC., with said inquest and assessment of damages to take place at the time of trial, or other disposition, of the remaining portion of the action; and it is further,

ORDERED that plaintiff Mireya Vasquez shall serve a copy of this order on all parties to this action, and on the Trial Support Office at 60 Centre Street, Room 158; and it is further,

ORDERED that this constitutes the decision of the court.

5/29/2018

DATE

CHECK ONE:

APPLICATION:

CHECK IF APPROPRIATE:

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☐

CASE DISPOSED

GRANTED

SETTLE ORDER

INCLUDES TRANSFER/REASSIGN

☐

DENIED

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☐
☐

NON-FINAL DISPOSITION

GRANTED IN PART

SUBMIT ORDER

FIDUCIARY APPOINTMENT

☐

OTHER

☐

REFERENCE

KATHRYN E. FREED, J.S.C.