

**Adco Pro Cleaning Supply, Inc. v ABC Global Sys.,
Inc.**

2018 NY Slip Op 31192(U)

June 13, 2018

Supreme Court, New York County

Docket Number: 452954/2015

Judge: Andrew Borrok

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**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK
Part 57**

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ADCO PRO CLEANING SUPPLY, INC. et al.

Plaintiff(s) Index no. 452954/2015

-against-

DECISION/ORDER

ABC GLOBAL SYSTEMS, INC. et al.

Defendant(s)
-----X

Recitation, as required by CPLR 2219(a), of the papers considered on the review of the Plaintiffs' motion for summary judgment in lieu of complaint upon a Colorado judgment

PAPERS NUMBERED

- Notice of Motion and Affidavits and Exhibits Annexed 1**
- Answering Affidavits 2**
- Replying Affidavits 3**
- Sur-Reply Affidavits**

Upon the foregoing cited papers, the Decision/Order on this motion is as follows:

The Plaintiffs' motion for summary judgment is granted.

Summary Judgment should be granted when the movant presents evidentiary proof in admissible form that there are no triable issues of material fact and that there is either no defense to the cause of action or that the cause of action or defense has no merit. CPLR § 3212(b). The burden is initially on the movant to make a prima facie showing of entitlement to judgment as a matter of law tendering sufficient evidence in admissible form to demonstrate the absence of any material fact. Alvarez v Prospect Hosp., 68 NY2d 320, 324 [1986]. Failure to make such a prima facie showing requires denial of the motion. Alvarez v. Prospect Hosp., 68 NY2d 320, 324 [1986] citing Winegrad v. New York Univ. Med. Center, 64 N.Y.2d 851,

476 N.E.2d 642, 487 N.Y.S.2d 316 [1985]. Once the showing has been made, the burden shifts to the opposing party to produce evidence in admissible form sufficient to establish the existence of a material issue of fact which requires a trial. Alvarez v. Prospect Hosp., 68 NY2d 320, 324 [1986] citing Zuckerman v. City of New York, 49 N.Y.2d 557, at 562, 404 N.E.2d 718, 427 N.Y.S.2d 595 [1980].

The submission of the Colorado judgment is sufficient to sustain the plaintiffs' burden of establishing their right to summary judgment.

Accordingly: it is ORDERED:

1) Plaintiffs may enter judgment in favor of the plaintiff Adco Pro Cleaning Supply, Inc. and against the defendants ABC Global Systems, Inc, and Nathan Mumford a/k/a Nathan J. Mumford, a/k/a Nathan S. Mumford, a/k/a Nathaniel Mumford, jointly and severally, in the sum of \$4,811.25 with interest thereon at 8% from February 21, 2012, together with a proportionate share of ten percent of the costs and disbursements of the action; and

2) Plaintiffs may enter judgment in favor of the plaintiff Carefree Accounting, P.C. Supply, Inc. and against the defendants ABC Global Systems, Inc, and Nathan Mumford a/k/a Nathan J. Mumford, a/k/a Nathan S. Mumford, a/k/a Nathaniel Mumford, jointly and severally, in the sum of \$4,811.25 with interest thereon at 8% from February 21, 2012, together with a proportionate share of ten percent of the costs and disbursements of the action; and

3) Plaintiffs may enter judgment in favor of the plaintiff Chirocare, P.C. and against the defendants ABC Global Systems, Inc, and Nathan Mumford a/k/a Nathan J. Mumford, a/k/a Nathan S. Mumford, a/k/a Nathaniel Mumford, jointly and severally, in the sum of \$12,811.25 with interest thereon at 8% from February 21, 2012, together with a proportionate share of ten percent of the costs and disbursements of the action; and

4) Plaintiffs may enter judgment in favor of the plaintiff Complete Packaging, Inc. and against the defendants ABC Global Systems, Inc, and Nathan Mumford a/k/a Nathan J. Mumford, a/k/a Nathan S. Mumford, a/k/a Nathaniel Mumford, jointly and severally, in the sum of \$4,811.25 with interest thereon at 8% from February

21, 2012, together with a proportionate share of ten percent of the costs and disbursements of the action; and

5) Plaintiffs may enter judgment in favor of the plaintiff Denver Mill and Lathe, Inc. and against the defendants ABC Global Systems, Inc, and Nathan Mumford a/k/a Nathan J. Mumford, a/k/a Nathan S. Mumford, a/k/a Nathaniel Mumford, jointly and severally, in the sum of \$4,811.25 with interest thereon at 8% from February 21, 2012, together with a proportionate share of ten percent of the costs and disbursements of the action; and

6) Plaintiffs may enter judgment in favor of the plaintiff Ryan H. Johnson d/b/a Night Moves of Denver and against the defendants ABC Global Systems, Inc, and Nathan Mumford a/k/a Nathan J. Mumford, a/k/a Nathan S. Mumford, a/k/a Nathaniel Mumford, jointly and severally, in the sum of \$4,811.25 with interest thereon at 8% from February 21, 2012, together with a proportionate share of ten percent of the costs and disbursements of the action; and

7) Plaintiffs enter judgment in favor of the plaintiff Personal Touch Engraving, Inc. and against the defendants ABC Global Systems, Inc, and Nathan Mumford a/k/a Nathan J. Mumford, a/k/a Nathan S. Mumford, a/k/a Nathaniel Mumford, jointly and severally, in the sum of \$4,811.25 with interest thereon at 8% from February 21, 2012, together with a proportionate share of ten percent of the costs and disbursements of the action; and

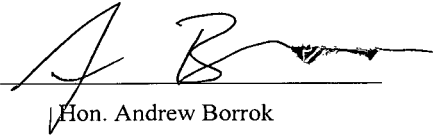
8) Plaintiffs enter judgment in favor of the plaintiff Southeast Denver Graphics, Inc. and against the defendants ABC Global Systems, Inc, and Nathan Mumford a/k/a Nathan J. Mumford, a/k/a Nathan S. Mumford, a/k/a Nathaniel Mumford, jointly and severally, in the sum of \$4,811.25 with interest thereon at 8% from February 21, 2012, together with a proportionate share of ten percent of the costs and disbursements of the action; and

9) Plaintiffs enter judgment in favor of the plaintiff Tsar, Incorporated and against the defendants ABC Global Systems, Inc, and Nathan Mumford a/k/a Nathan J. Mumford, a/k/a Nathan S. Mumford, a/k/a Nathaniel Mumford, jointly and severally, in the sum of \$12,811.25 with interest thereon at 8% from February 21,

2012, together with a proportionate share of ten percent of the costs and disbursements of the action; and

10) Plaintiffs enter judgment in favor of the plaintiff United Financial Affiliates, Inc. and against the defendants ABC Global Systems, Inc, and Nathan Mumford a/k/a Nathan J. Mumford, a/k/a Nathan S. Mumford, a/k/a Nathaniel Mumford, jointly and severally, in the sum of \$4,811.25 with interest thereon at 8% from February 21, 2012, together with a proportionate share of ten percent of the costs and disbursements of the action.

Dated: June 13, 2018



Hon. Andrew Borrok
J.S.C.

Hon. Andrew Borrok