

American Express Natl. Bank v Durante
2019 NY Slip Op 31907(U)
June 26, 2019
Supreme Court, New York County
Docket Number: 158186/2018
Judge: Debra A. James
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**SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY**

PRESENT: HON. DEBRA A. JAMES PART IAS MOTION 59EFM

Justice

-----X

INDEX NO. 158186/2018

AMERICAN EXPRESS NATIONAL BANK,

MOTION DATE 02/22/2019

Plaintiff,

MOTION SEQ. NO. 001

- v -

RONALD DURANTE and TYSON JAKE INC.

DECISION AND ORDER

Defendant.

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The following e-filed documents, listed by NYSCEF document number (Motion 001) 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17

were read on this motion for

JUDGMENT - DEFAULT

Upon the foregoing documents, it is

Plaintiff AMERICAN EXPRESS NATIONAL BANK moves for a default judgment based upon the failure of defendant RONALD DURANTE to answer or appear. Plaintiff also moves to discontinue the action against defendant TYSON JAKE INC. and to amend the caption to remove this defendant. Plaintiff has submitted proof of service of the summons and complaint and proof of service of this motion upon defendant. There is no opposition to this motion. Plaintiff has an affidavit of facts as well as an affirmation as to defendant's default pursuant to CPLR 3215 (f). Plaintiff has also submitted proof of the additional mailing of the summons required by CPLR 3215 (g)(3). This motion is brought within one year of the default.

The statutory requisites having been established, the court

shall grant judgment against defendant RONALD DURANTE as set forth in the notice of motion.

Accordingly, it is hereby

ORDERED that plaintiff's motion for a default judgment against defendant RONALD DURANTE is granted; and it is further

ORDERED that the Clerk of the Court is directed to enter judgment in favor of the plaintiff AMERICAN EXPRESS NATIONAL BANK and against defendant RONALD DURANTE in the principal sum of \$32,380.39, with interest of \$ _____ at the statutory rate as prayed for from the date of May 9, 2018 until the date of entry of judgment, as calculated by the Clerk, together with costs and disbursements as taxed by the Clerk of \$ _____, for a total of \$ _____ ; and it is further

ORDERED that is action is discontinued against defendant TYSON JAKE INC; and it is further

ORDERED that the action shall bear the following caption:

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

-----X

American Express National Bank,

Plaintiff,

- V -

Index No: 158186/2018

Ronald Durante aka Ronald Paul Durante,

Defendant.

-----X

And it is further

ORDERED that counsel for the moving party shall serve a copy of this order with notice of entry upon the County Clerk (60 Centre Street, Room 141B) and the Clerk of the General Clerk's Office (60 Centre Street, Room 119), who are directed to mark the court's records to reflect the party being removed pursuant hereto; and it is further

ORDERED that such service upon the County Clerk and the Clerk of the General Clerk's Office shall be made in accordance with the procedures set forth in the *Protocol on Courthouse and County Clerk Procedures for Electronically Filed Cases* (accessible at the "E-

Filing" page on the court's website at the address
(ww.nycourts.gov/supctmanh)].

JUN 26 2019

DATE

Debra A. James
DEBRA A. JAMES, J.S.C.

CHECK ONE:	<input checked="" type="checkbox"/>	CASE DISPOSED	<input type="checkbox"/>	NON-FINAL DISPOSITION
	<input checked="" type="checkbox"/>	GRANTED	<input type="checkbox"/> DENIED	<input type="checkbox"/> GRANTED IN PART
APPLICATION:	<input type="checkbox"/>	SETTLE ORDER		<input type="checkbox"/> OTHER
CHECK IF APPROPRIATE:	<input type="checkbox"/>	INCLUDES TRANSFER/REASSIGN	<input type="checkbox"/>	FIDUCIARY APPOINTMENT
				<input type="checkbox"/> REFERENCE