

Volmar Constr., Inc. v Brandy's Multi Servs., Inc.

2020 NY Slip Op 33591(U)

October 29, 2020

Supreme Court, Kings County

Docket Number: 514494/2020

Judge: Bruce M. Balter

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This opinion is uncorrected and not selected for official publication.

At the Supreme Court of the State of New York, County of Kings, at the Courthouse thereof located at 320 Jay Street, Brooklyn, New York 11201 on the 30th day of DECEMBER, 2020.

Hon. Bruce M. Balter, J.S.C.

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VOLMAR CONSTRUCTION INC.,
ARTEMIOS MARINAKIS, and
MICHAEL MARINAKIS, JR.,

Petitioner,

-against-

BRANDY'S MULTI SERVICES, INC. and
DENSON ROLLOCKS,

Respondent.

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JUDGMENT

Index No. 514494/2020

Motion Seq. #1
Calendar # 22.

WHEREAS, by Order to Show Cause dated August 11, 2020/August 13, 2020, Petitioners Volmar Construction Inc., Artemios Marinakis, and Michael Marinakis, Jr., having duly moved for an order, directing Respondents Brandy's Multi Services, Inc. and Denson Rollocks to file a UCC-3 terminating their UCC-1 financing statement filed on June 10, 2019, Filing No. 2019061002654533; alternatively directing the New York State Secretary of State to terminate Respondents' UCC-1 financing statement filed on June 10, 2019, Filing No. 2019061002654533; prohibiting Respondents from re-filing a UCC-1 financing statement against Petitioners; awarding Petitioners' costs, disbursements, and sanctions incurred in making this application; and for such other and further relief as to this Court seems just and proper;

WHEREAS, on August 12, 2020, Respondent Brandy's Multi Services, Inc. having been served via certified mail return receipt requested and first class mail at 2222 Flatbush Avenue, Brooklyn, New York 11234 with the Order to Show Cause dated August 11, 2020 and with the

papers upon which it was granted;

WHEREAS, on August 12, 2020, Respondent Denson Rollocks having been served via certified mail return receipt requested and first class mail at 3423 Tilden Avenue, Brooklyn, New York 11203 with the Order to Show Cause dated August 11, 2020 and with the papers upon which it was granted;

WHEREAS, on August 12, 2020, Respondents having been served with the Order to Show Cause dated August 11, 2020 and with the papers upon which it was granted, via email at brandys32454@yahoo.com;

WHEREAS, on August 19, 2020, Respondent Brandy's Multi Services, Inc. having been served via UPS Overnight at 2222 Flatbush Avenue, Brooklyn, New York 11234 with the Order to Show Cause dated August 13, 2020 and with the papers upon which it was granted;

WHEREAS, on August 19, 2020, Respondent Denson Rollocks having been served via UPS Overnight at 3423 Tilden Avenue, Brooklyn, New York 11203 with the Order to Show Cause dated August 13, 2020 and with the papers upon which it was granted;

WHEREAS, affidavits of service having been filed with the Court on September 2, 2020;

WHEREAS, the Order to Show Cause having come before the Court on October 29, 2020 and Respondents having defaulted in answering or appearing;

WHEREAS, Petitioners' motion for an order, directing Respondents to file a UCC-3 terminating their UCC-1 financing statement filed on June 10, 2019, Filing No. 2019061002654533; alternatively directing the New York State Secretary of State to terminate Respondents' UCC-1 financing statement filed on June 10, 2019, Filing No. 2019061002654533; prohibiting Respondents from re-filing a UCC-1 financing statement against Petitioners; awarding Petitioners' costs, disbursements, and sanctions incurred in making this application;

and for such other and further relief as to this Court seems just and proper; is hereby granted in its entirety;

NOW THEREFORE, it is hereby,

ORDERED, that Petitioners' motion for an order directing Respondents to file a UCC-3 terminating their UCC-1 financing statement filed on June 10, 2019, Filing No. 2019061002654533; alternatively directing the New York State Secretary of State to terminate Respondents' UCC-1 financing statement filed on June 10, 2019, Filing No. 2019061002654533; prohibiting Respondents from re-filing a UCC-1 financing statement against Petitioners; awarding Petitioners' costs, disbursements, and sanctions incurred in making this application; and for such other and further relief as to this Court seems just and proper; is hereby granted; and it is further

ORDERED, that Respondents Brandy's Multi Services, Inc. and Denson Rollocks are hereby directed to file a UCC-3 terminating their UCC-1 financing statement filed on June 10, 2019, Filing No. 2019061002654533; and it is further

ORDERED, that in the event Respondents Brandy's Multi Services, Inc. and Denson Rollocks fail to file, the New York State Secretary of State is directed to terminate Respondents' UCC-1 financing statement filed on June 10, 2019, Filing No. 2019061002654533; and it is further

ORDERED, that Respondents Brandy's Multi Services, Inc. and Denson Rollocks are prohibited from re-filing a UCC-1 financing statement against Petitioners;

ORDERED, that Petitioners' are awarded their costs, disbursements, ~~and sanctions~~ incurred in making this application in the amount of \$ 655.00 and that the Clerk of the

Court shall enter judgment in favor of Petitioners and against Respondents in the amount of

\$ 655⁰⁰/₁₇;

ENTER:



Hon. Bruce R. Balter, J.S.C.

HON. BRUCE M. BALTER
JUSTICE SUPREME COUR