

**Maly v 212 Brewing Co. LLC**

2021 NY Slip Op 31392(U)

April 20, 2021

Supreme Court, New York County

Docket Number: 652600/2020

Judge: Debra A. James

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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. DEBRA A. JAMES PART IAS MOTION 59EFM

Justice

-----X  
STEPHEN MALY, INDEX NO. 652600/2020  
MOTION DATE 11/27/2020  
MOTION SEQ. NO. 001  
Plaintiff,

- v -

212 BREWING COMPANY LLC, 212 MARKETING LLC, 615 BREWING CO., LLC, 2896 NORTH RD. BLOOMVILLE NY LLC, 21476 STATE HIGHWAY 23 KORTRIGHT NY 13750 LLC, LUXEMBOURG CAPITAL, LLC, NORTH AMERICAN REALTY TRUST LLC, TREEFORT HOLDINGS, LLC, TROYSTAR COMMUNICATIONS, LLC, DON TROOIJEN,

DECISION + ORDER ON MOTION

Defendants.

-----X  
The following e-filed documents, listed by NYSCEF document number (Motion 001) 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82 were read on this motion to/for JUDGMENT - DEFAULT

ORDER

Upon the foregoing documents, it is hereby

ORDERED that plaintiff's motion for a default judgment pursuant to CPLR 3215 against defendants 212 BREWING COMPANY LLC, 212 MARKETING LLC, 615 BREWING CO., LLC, 2896 NORTH RD. BLOOMVILLE NY LLC, 21476 STATE HIGHWAY 23 KORTRIGHT NY 13750 LLC, LUXEMBOURG CAPITAL, LLC, NORTH AMERICAN REALTY TRUST LLC, TREEFORT HOLDINGS, LLC, TROYSTAR COMMUNICATIONS, LLC and DON TROOIJEN is granted without opposition; and it is further

ORDERED that the Clerk of the Court is directed to enter judgment in favor of the plaintiff STEPHEN MALY and against defendants 212 BREWING COMPANY LLC, 212 MARKETING LLC, 615

BREWING CO., LLC, 2896 NORTH RD. BLOOMVILLE NY LLC, 21476 STATE  
HIGHWAY 23 KORTRIGHT NY 13750 LLC, LUXEMBOURG CAPITAL, LLC,  
NORTH AMERICAN REALTY TRUST LLC, TREEFORT HOLDINGS, LLC,  
TROYSTAR COMMUNICATIONS, LLC and DON TROOIEN in the principal  
sum of \$112,846.85, with interest of \$ \_\_\_\_\_ at the  
statutory rate as prayed for from the date of June 16, 2020  
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 the issue of reasonable attorney fees to be  
assessed against defendant 212 BREWING COMPANY LLC, 212  
MARKETING LLC, 615 BREWING CO., LLC, 2896 NORTH RD. BLOOMVILLE  
NY LLC, 21476 STATE HIGHWAY 23 KORTRIGHT NY 13750 LLC,  
LUXEMBOURG CAPITAL, LLC, NORTH AMERICAN REALTY TRUST LLC,  
TREEFORT HOLDINGS, LLC, TROYSTAR COMMUNICATIONS, LLC and DON  
TROOIEN is severed and referred for determination pursuant CPLR  
3215 (b) to a Special Referee and that within 60 days from the  
date of this Order the plaintiff shall cause a copy of this  
order with notice of entry, including proof of service thereof,  
to be filed with the Special Referee clerk (Room 119M, 646-386-  
3028 or [spref@courts.state.ny.us](mailto:spref@courts.state.ny.us)) to arrange a date for a

reference to determine pursuant to CPLR 4317 (b); and it is further

ORDERED and ADJUDGED that pursuant to CPLR 3215 (b) the Clerk is directed to enter judgment in favor of plaintiff STEPHEN MALY and against defendants 212 BREWING COMPANY LLC, 212 MARKETING LLC, 615 BREWING CO., LLC, 2896 NORTH RD. BLOOMVILLE NY LLC, 21476 STATE HIGHWAY 23 KORTRIGHT NY 13750 LLC, LUXEMBOURG CAPITAL, LLC, NORTH AMERICAN REALTY TRUST LLC, TREEFORT HOLDINGS, LLC, TROYSTAR COMMUNICATIONS, LLC and DON TROOEN in accordance with the report of the aforementioned Special Referee without any further application.

#### DECISION

In this breach of a settlement agreement action, plaintiff STEPHEN MALY moves for default judgment based upon the failure of defendants 212 BREWING COMPANY LLC, 212 MARKETING LLC, 615 BREWING CO., LLC, 2896 NORTH RD. BLOOMVILLE NY LLC, 21476 STATE HIGHWAY 23 KORTRIGHT NY 13750 LLC, LUXEMBOURG CAPITAL, LLC, NORTH AMERICAN REALTY TRUST LLC, TREEFORT HOLDINGS, LLC, TROYSTAR COMMUNICATIONS, LLC and DON TROOEN to answer or appear. Plaintiff has submitted proof of service of the summons and complaint and proof of service of this motion upon defendants. The plaintiff has submitted an affidavit of facts as well as an affirmation as to defendants' default pursuant to CPLR 3215 (f). Plaintiff has also submitted proof of the

additional mailings 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 defendants 212 BREWING COMPANY LLC, 212 MARKETING LLC, 615 BREWING CO., LLC, 2896 NORTH RD. BLOOMVILLE NY LLC, 21476 STATE HIGHWAY 23 KORTRIGHT NY 13750 LLC, LUXEMBOURG CAPITAL, LLC, NORTH AMERICAN REALTY TRUST LLC, TREEFORT HOLDINGS, LLC, TROYSTAR COMMUNICATIONS, LLC and DON TROOIJEN as set forth in the notice of motion.

<u>4/20/2021</u> DATE	<u>DEBRA A. JAMES, J.S.C.</u>			
CHECK ONE:	<input checked="" type="checkbox"/> CASE DISPOSED	<input type="checkbox"/> DENIED	<input type="checkbox"/> NON-FINAL DISPOSITION	<input type="checkbox"/> OTHER
APPLICATION:	<input checked="" type="checkbox"/> GRANTED		<input type="checkbox"/> GRANTED IN PART	
CHECK IF APPROPRIATE:	<input type="checkbox"/> SETTLE ORDER		<input type="checkbox"/> SUBMIT ORDER	
	<input type="checkbox"/> INCLUDES TRANSFER/REASSIGN		<input type="checkbox"/> FIDUCIARY APPOINTMENT	<input checked="" type="checkbox"/> REFERENCE