

Infinity Consulting Solutions Inc. v Iuzeit, Inc.

2022 NY Slip Op 33454(U)

October 11, 2022

Supreme Court, New York County

Docket Number: Index No. 650974/2021

Judge: Debra A. James

Cases posted with a "30000" identifier, i.e., 2013 NY Slip Op 30001(U), are republished from various New York State and local government sources, including the New York State Unified Court System's eCourts Service.

This opinion is uncorrected and not selected for official publication.

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

PRESENT: HON. DEBRA JAMES

PART 59

Justice

-----X

INFINITY CONSULTING SOLUTIONS INC.,

Plaintiff,

- v -

IUZEIT, INC.,

Defendant.

-----X

INDEX NO. 650974/2021

MOTION DATE 04/15/2022

MOTION SEQ. NO. 002

**DECISION + ORDER ON
MOTION**

The following e-filed documents, listed by NYSCEF document number (Motion 002) 15, 16, 17, 18, 19, 20, 21, 22

were read on this motion to/for JUDGMENT - DEFAULT.

ORDER

ORDERED that the motion of plaintiff Infinity Consulting Solutions Inc. for a default judgment against defendant Iuzeit, Inc. (motion sequence no. 002) is granted, without opposition; and it is further

ORDERED and ADJUDGED that, to the extent that plaintiff seeks attorney's fees and legal disbursements, such application is granted on default to the extent that the issue of reasonable attorney's fees and disbursements incurred by plaintiff and to be assessed against defendant Iuzeit, Inc. is severed and referred for determination pursuant CPLR 3215 (b) to a Special Referee, and that within sixty (60) days from the date of this Order, 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) 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 the amount of reasonable attorney's fees and legal disbursements, in favor of plaintiff INFINITY CONSULTING SOLUTIONS INC. and against defendant IUZEIT, INC., in accordance with the report of the aforementioned Special Referee without any further application; and it is further

ORDERED and ADJUDGED that the Clerk of the Court is directed to enter judgment, in favor of plaintiff Infinity Consulting Solutions Inc. and against defendant Iuzeit, Inc., in the sum of \$ 19,950, plus interest at the statutory rate, from June 10, 2020, until entry of this Order, in the amount of \$ _____ , together with costs and disbursements as taxed by the Clerk upon submission of an appropriate bill of costs.

DECISION

In this action for an account stated, plaintiff Infinity Consulting Solutions Inc. seeks to recover permanent employment placement fees, accrued past due interest and attorneys' fees and costs. Plaintiff moves for a default judgment pursuant to CPLR 3215, based upon the failure of defendant Iuzeit, Inc. to answer or appear. Plaintiff's motion is unopposed.

On a motion for a default judgment pursuant to CPLR 3215, the moving party must submit proof of service of the summons and complaint, proof of the facts constituting the cause of action, and proof of the defaulting party's failure to appear (see CPLR 3215[f]; Oak Hollow Nursing Ctr. v Stumbo, 117 AD3d 698, 698-699 [2d Dept 2014]). The moving party must also seek a default judgment within one year, which is measured from defendant's default in responding to the complaint. (see CPLR 3215[c]; MTGLQ Invs., L.P. v Shay, 190 AD3d 527, 528 [1st Dept 2021]).

The affidavit of service sworn to on March 2, 2021, and filed with the court on March 8, 2021, reflects that plaintiff served defendant with process pursuant to CPLR 311[a](1) by personally delivering, in the State of Delaware, the summons, complaint and notice of electronic filing to Stephanie Frazer, a managing agent for the defendant on February 25, 2021. Defendant had thirty days, or until March 26, 2021 to appear or answer. The instant motion is therefore timely as it was served upon the defendant and filed with the court on March 24, 2022, less than one year after defendant's default.

Plaintiff also submits the affidavit of Douglas Klares, a principal of plaintiff, with accompanying exhibits, including an invoice (statement of account), setting forth the underlying facts of its causes of action as required by CPLR 3215 (f).

(NYSCEF Doc No 16). Accordingly, plaintiff is entitled to the judgment it seeks.

Debra A. James
20221011194025DJAMESB1871E4C289B410AA460CE5AA96F47DB

<u>10/11/2022</u>			<u>DEBRA A. JAMES, J.S.C.</u>
DATE			
CHECK ONE:	<input checked="" type="checkbox"/> CASE DISPOSED	<input type="checkbox"/> DENIED	<input type="checkbox"/> NON-FINAL DISPOSITION
	<input checked="" type="checkbox"/> GRANTED		<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 checked="" type="checkbox"/> REFERENCE