

Invest Bank PSC v Al Mansouri 3B LLC
2022 NY Slip Op 33653(U)
October 20, 2022
Supreme Court, New York County
Docket Number: Index No. 656751/2021
Judge: Sabrina Kraus
Cases posted with a "30000" identifier, i.e., 2013 NY Slip Op <u>30001</u> (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. SABRINA KRAUS PART 57TR

Justice

-----X

INDEX NO. 656751/2021

INVEST BANK PSC,

MOTION DATE 12/02/2022

Plaintiff,

MOTION SEQ. NO. 003

- v -

AL MANSOURI 3B LLC, AMER ALOMAR SALEM
MOHAMED ALOMAR AL MANSOURI, TARIQ MOHAMED
SULTAN AL MASKRI

AMEDNED
DECISION + ORDER ON
MOTION

Defendant.

-----X

The following e-filed documents, listed by NYSCEF document number (Motion 003) 36, 37, 38
were read on this motion to/for JUDGMENT - DEFAULT

BACKGROUND

Plaintiff commenced this action seeking recognition and enforcement of a foreign
judgment obtained on November 2, 2021 in the United Arab Emirates against Al Mansouri 3B
LLC (AM3B), Amer Alomar Salem Mohamed Alomar Al Mansouri (Al Mansouri), and Tariq
Mohamed Sultan Al Maskri (Al Maskri) (collectively Defendants) in the amount of
\$185,271,418.72.

AM3B became indebted to Plaintiff pursuant to various bank agreements, Al Mansouri
and Al Maskri guaranteed.

On April 20, 2021, at the conclusion of hearings wherein all parties appeared, the Abu
Dhabi Court of First Instance entered a judgment in favor of Invest Bank, finding Defendants to
have breached banking facility agreements and related guarantees, and holding Defendants
jointly and severally liable to pay Invest Bank a sum equal to \$185,271,418.72.

On June 13, 2021, the Abu Dhabi Commercial Court of Appeal rejected an appeal on the merits and upheld the First Instance Judgment.

On November 2, 2021, the Abu Dhabi Court of Cassation denied Defendants' appeal and upheld the August 10, 2021 Judgment, and consequently held Defendants jointly and severally liable for the principal amount of \$185,271,418.72. No further appeal is permitted under UAE law

The summons and complaint were filed on November 30, 2021.

On May 9, 2022, this court granted Plaintiff's motion finding Defendants have been served *nunc pro tunc* pursuant to CPLR §§ 308(5) and 311-a(b).

Defendants have failed to appear or file an answer.

PENDING MOTION

On October 3, 2022, Plaintiff moved for a default judgment recognizing and enforcing the foreign judgment by the Court of Cassation of Abu Dhabi, United Arab Emirates, on November 6, 2019 pursuant to Article 53 of the CPLR and on the basis of international comity, as against Defendants.

DISCUSSION

CPLR § 3215(a) provides, in pertinent part, that “[w]hen a defendant has failed to appear, plead or proceed to trial... the plaintiff may seek a default judgment against [it].” “On a motion for leave to enter a default judgment pursuant to CPLR §3215, the movant is required to submit proof of service of the summons and complaint, proof of the facts constituting the claim, and proof of the defaulting party's default in answering or appearing.” *Atlantic Cas. Ins. Co. v RJNJ Servs. Inc.*, 89 AD3d 649, 651 (2d Dept 2011).

In support of the motion for a default judgment, Plaintiff submits copies of the three judgments issued in UAE (NYSCEF Doc 3-5); the affidavit of Ahmed Ali El Tayeb Ahmed, a

Senior Remedial Officer at Invest Bank PSC (NYSCEF Doc 37); and the affirmation of Thomas Vandenabeele, Esq. (NYSCEF Doc 38).

Plaintiff has established *prima facie* entitlement to a default judgment as against Al Mansouri 3B LLC, Amer Alomar Salem Mohamed Alomar Al Mansouri, and Tariq Mohamed Sultan Al Maskri.

CONCLUSION

Wherefore, it is hereby

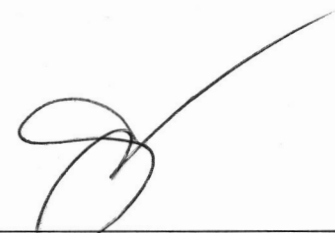
ORDERED that plaintiff Invest Bank PNC's motion seeking a default judgment against defendant Al Mansouri 3B LLC, Amer Alomar Salem Mohamed Alomar Al Mansouri, and Tariq Mohamed Sultan Al Maskri is granted; and it is further

ORDERED that the Clerk is directed to enter judgment in favor of plaintiff, Invest Bank PNC, as against defendants, Al Mansouri 3B LLC, Amer Alomar Salem Mohamed Alomar Al Mansouri, and Tariq Mohamed Sultan Al Maskri in the sum of \$ 185,271,418.72 , with interest at the rate of 5 % from November 6, 2019, until entry of the judgment, as calculated by the Clerk, together with costs and disbursements, as taxed by the Clerk;

ORDERED that, within 20 days from entry of this order, plaintiff shall serve a copy of this order with notice of entry on all other defendants and the Clerk of the General Clerk's Office (60 Centre Street, Room 119); and it is further

ORDERED that such service upon the Clerk 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 www.nycourts.gov/supctmanh); and it is further

This constitutes the decision and order of the court.



10/20/2022

DATE

SABRINA KRAUS, J.S.C.

CHECK ONE:

CASE DISPOSED

NON-FINAL DISPOSITION

GRANTED DENIED

GRANTED IN PART OTHER

APPLICATION: SETTLE ORDER

SUBMIT ORDER

CHECK IF APPROPRIATE: INCLUDES TRANSFER/REASSIGN

FIDUCIARY APPOINTMENT REFERENCE