

Safford v Oracle Advisory Servs. LLC

2025 NY Slip Op 30820(U)

March 11, 2025

Supreme Court, New York County

Docket Number: Index No. 15209/2024

Judge: Mary V. Rosado

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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. MARY V. ROSADO PART 33M

Justice

-----X

BROOKE SAFFORD,

Plaintiff,

- v -

ORACLE ADVISORY SERVICES LLC, JASON T.
EOANIDIS

Defendant.

-----X

INDEX NO. 152097/2024

MOTION DATE 06/26/2024

MOTION SEQ. NO. 001

**DECISION + ORDER ON
MOTION**

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

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

Upon the foregoing documents, a final submission date of January 13, 2025, and there being no opposition, Plaintiff Brooke Safford’s (“Plaintiff”) motion seeking default judgment against Defendants Oracle Advisory Services LLC (“Oracle”) and Jason T. Eoanidis (“Eoanidis”) (collectively “Defendants”) is granted.

An applicant for default judgment against a defendant must submit: (i) proof of service of the summons and complaint, (ii) proof of the facts constituting the claim, and (iii) proof of the defaulting defendant’s failure to answer or appear (*PV Holding Corp v AB Quality Health Supply Corp*, 189 AD3d 645 [1st Dept 2020]). Affidavits submitted in support of a motion for default judgment only need to allege enough facts to allow a court to assess where a viable cause of action exists (*Woodson v Mendon Leasing Corp.*, 100 NY2d 62, 71 [2003]). In undertaking this review, the Court is mindful that “defaulters are deemed to have admitted all factual allegations in the complaint and all reasonable inferences that flow from them” (*Al Fayed v Barak*, 39 AD3d 371, 372 [1st Dept 2007]).

Plaintiff's motion for default judgment against Defendants Oracle Advisory Services LLC and Jason T. Eoanidis is granted. Here, Plaintiff has submitted affidavits of service of summons and complaint on Oracle via the Secretary of State, pursuant to Limited Liability Company Law § 303, and on Eoanidis, by delivering service to his wife at their mutual residence (NYSCEF Docs. 8, 9). Plaintiff provided proof that Eoanidis is not in active military service (NYSCEF Doc. 9). Plaintiff submitted in support of this motion her affidavit of merit, as well as the IRS Letter dated September 18, 2023, denying Plaintiff's tax credit claim for \$107,109.67 (NYSCEF Docs. 11, 12). Moreover, the Court is satisfied with the proof of additional mailing, pursuant to CPLR 3215(g)(4), and the Defendants' failure to answer or otherwise appear (NYSCEF Docs. 10).

While Plaintiff is awarded a money judgment for the lost tax credit of \$107,109.67 because it is a sum certain, an inquest is required for the alleged damages for professional fees. Plaintiff requests damages for professional fees and costs expended in the amount of approximately \$10,000 and restitution of professional fees in the amount of approximately \$2,500 (NYSCEF Doc. 11). Judgments for sum certain amounts shall be entered by the Clerk of the Court upon submission of the requisite proof (CPLR 3215[a]). As Plaintiff requests additional damages for fees and costs estimated approximately with no corroborating invoices or payment records, an inquest on such damages is directed.

Accordingly, it is hereby,

ORDERED that Plaintiff Brooke Safford's motion seeking default judgment against Defendants Oracle Advisory Services LLC and Jason T. Eoanidis is granted; and it is further

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ORDERED that the Clerk of the Court is directed to enter judgment in favor of Plaintiff Brooke Safford and against Defendants Oracle Advisory Services LLC and Jason T. Eoanidis in the amount of \$107,109.67 plus statutory interest from February 15, 2019, and costs and disbursements, as calculated by the Clerk of the Court; and it is further

ORDERED that an inquest on damages from other professional fees and costs against Defendants Oracle Advisory Services LLC and Jason T. Eoanidis and in favor of Plaintiff is directed; and it is further

ORDERED that a copy of this Order with notice of entry be served by the movant upon the Clerk of the General Clerk's Office (60 Centre Street, Room 119), who is directed, upon the filing of a note of issue and a certificate of readiness and the payment of proper fees, if any, to place this action on the appropriate calendar for the inquest hereinabove directed; and it is further

ORDERED that such service 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 of the court's website at the address www.nycourts.gov/supctmanh); and it is further

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ORDERED that within 10 days of entry, counsel for Plaintiff shall serve a copy of this Decision and Order, with notice of entry, on Defendants via first-class mail at their last known business and/or residential addresses; and it is further

ORDERED that the Clerk of the Court is directed to enter judgment accordingly.

This constitutes the Decision and Order of the Court.

3/11/2025
DATE

Mary V Rosado JSC
HON. MARY V. ROSADO, 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