

Sanders Equities LLC v Maldonado

2025 NY Slip Op 32439(U)

July 2, 2025

Supreme Court, Nassau County

Docket Number: Index No. 605681/2022

Judge: Sharon M.J. Gianelli

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This opinion is uncorrected and not selected for official publication.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NASSAU COMMERCIAL DIVISION – Part 7
Present: Hon. Sharon M.J. Gianelli

.....X
SANDERS EQUITIES LLC, NEXT MILLENNIUM
REALTY, LLC, AERIAL WAY AND ROBBINS LLC,
123 FROST ASSOCIATES L.P.,
135 NORTH BROADWAY LLC and
69 BLOOMINGDALE LLC,

Index No. 605681/2022

Plaintiffs,

Mot. Seq. No. 006

-against-

Decision and Order

KEVIN MALDONADO,
KEVIN MALDONADO AND ASSOCIATES, P.C.
d/b/a KEVIN MALDONADO & ASSOCIATES
d/b/a KEVIN MALDONADO & PARTNERS LLC,
MELISSA MALDONADO, KEVIN MALDONADO and
MELISSA MALDONADO, as TRUSTEES of
THE KEVIN AND MELISSA MALDONADO TRUST,
EAGLE LAKE HOLDINGS LLC,
BUSHMAN HILL REAL ESTATE LLC,
567 FOUR MILE POINT LLC,
WM WELCH ENTERPRISES LLC,
BLUE STONE AND MULCH LLC,
WMW HOLDINGS LLC, and
HART MANSION LLC,

Defendants.

.....X

Upon consideration of the papers submitted on this motion, the Court's determination is set forth below.

This is Plaintiffs' motion for an Order of the Court granting: (i) summary judgment on the issue of liability against Defendants Kevin Maldonado and Kevin Maldonado and Associates, P.C. d/b/a Kevin Maldonado & Associates d/b/a Kevin Maldonado & Partners LLC ("the Firm") on the First, Second, Third, Fourth, Fifth, Sixth, Tenth, and

Eleventh Causes of Action in the Verified Complaint; and (ii) referring the issue of damages on the First, Second, Third, Fourth, Fifth, and Sixth Causes of Action, and the conveyances to be set aside on the Tenth and Eleventh Causes of Action, to a judicial hearing officer or special referee for an inquest, to hear and report.

By Decision and Order entered March 5, 2025, the Court granted Plaintiffs' motion to strike Defendants' Answer based on Defendants' repeated failure to comply with the Court's discovery directives. Consequently, in accordance with New York case law, Defendants are considered to have admitted liability (*see Mears v. Long*, 173 AD3d 734 [2d Dept. 2019]). To grant summary judgment, it must clearly appear that no material triable issue of fact is presented. The burden on the Court in deciding this type of motion is not to resolve issues of fact or determine matters of credibility, but merely to determine whether such issues exist (*see Barr v. Albany County*, 50 N.Y.2d 247 [1980]; *Daliendo v Johnson*, 147 A.D.2d 312 [2d Dept. 1989]). Here, the Court's striking of Defendants' Answer for failure to comply with discovery directives is tantamount to a liability determination favorable to Plaintiffs. As such, no triable issues of fact remain on the issue of liability.

Accordingly,

It is

ORDERED, that Plaintiffs' motion for an Order of the Court granting summary judgment in favor of Plaintiffs on the issue of liability against Defendants Kevin Maldonado and Kevin Maldonado and Associates, P.C. d/b/a Kevin Maldonado & Associates d/b/a Kevin Maldonado & Partners LLC ("the Firm") on the First, Second,

Third, Fourth, Fifth, Sixth, Tenth, and Eleventh Causes of Action in the Verified Complaint, is Granted; and

It is

ORDERED, that Plaintiffs' motion for an Order of the Court referring the issue of damages on the First, Second, Third, Fourth, Fifth, and Sixth Causes of Action, and the conveyances to be set aside on the Tenth and Eleventh Causes of Action, to a judicial hearing officer to conduct an inquest to assess damages due Plaintiffs, is Granted; and

It is

ORDERED, that the matter is hereby referred to Hon. Jeffrey S. Brown (Ret.), as Judicial Hearing Officer, to conduct an inquest and to make a determination as to the damages due Plaintiffs; and

It is

ORDERED, that Plaintiffs shall serve a Note of Issue, together with a copy of this Decision and Order upon Defendants Kevin Maldonado and Kevin Maldonado and Associates, P.C. d/b/a Kevin Maldonado & Associates d/b/a Kevin Maldonado & Partners LLC, by certified mail, return receipt requested, and shall serve copies of same together with receipt of payment, upon the Calendar Clerk of this Court within twenty (20) days of the date of entry of this Decision and Order; and

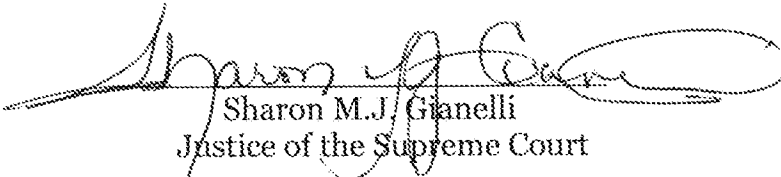
It is

ORDERED, that upon proof of the Note of Issue filing, an inquest to assess Plaintiffs' damages shall be held in-person on October 8, 2025 at 9:30 a.m. before Hon. Jeffrey S. Brown (Ret.) at the Nassau County Supreme Court, 100 Supreme Court Drive, Mineola, NY 11501, unless rescheduled by the Judicial Hearing Officer.

All applications not specifically addressed herein are denied.

This constitutes the Decision and Order of the Court.

Dated: Mineola, New York
July 2, 2025



Sharon M.J. Gianelli
Justice of the Supreme Court

ENTERED

Jul 03 2025

NASSAU COUNTY
COUNTY CLERK'S OFFICE