

**American Express Travel Related Servs. Co., Inc. v  
Auto Experts of Tampa Inc**

2025 NY Slip Op 33159(U)

August 20, 2025

Supreme Court, New York County

Docket Number: Index No. 654006/2024

Judge: Judy H. Kim

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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. JUDY H. KIM PART 04**

*Justice*

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AMERICAN EXPRESS TRAVEL RELATED SERVICES  
COMPANY, INC.,

Plaintiff,

INDEX NO. 654006/2024

MOTION DATE 06/06/2025

MOTION SEQ. NO. 001

- v -

AUTO EXPERTS OF TAMPA INC AKA AUTO EXPERTS-  
CB,

Defendant.

**DECISION + ORDER ON  
MOTION**

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

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

Upon the foregoing documents, plaintiff’s motion for default judgment is granted on default and for the reasons set forth below.

Plaintiff commenced this action on August 8, 2024, asserting a claim for accounts stated based on defendant Auto Experts of Tampa Inc A/K/A Auto Experts-CB’s (“Auto Experts”) alleged failure to make payments due on the credit card it issued to plaintiff (NYSCEF Doc No. 1, complaint). The complaint further alleges that plaintiff issued monthly statements of account detailing the total amount due and owing by Auto Experts and that Auto Experts never objected to such statements (NYSCEF Doc No. 1, complaint at 3).

On June 6, 2025, plaintiff moved, pursuant to CPL 3215, for a default judgment against Auto Experts on its accounts stated claim. Auto Experts has failed to appear or oppose the motion.

## DISCUSSION

Plaintiff's motion for a default judgment is granted. To establish its entitlement to a default judgment pursuant to CPLR 3215, plaintiff is required to submit proof of: (1) its service of the summons and complaint; (2) the facts constituting the claim; and (3) defendant's default in answering or appearing (*see Gordon Law Firm, P.C. v Premier DNA Corp.*, 165 NYS3d 691 [1st Dept 2022]).

Here, plaintiff served the summons and complaint on Auto Experts on November 20, 2024, by leaving a copy of the same with "Mark Dewey," who represented he was authorized to accept service (NYSCEF Doc No. 3, aff of service), with follow-up mailing of the summons and complaint on December 3, 2024 (NYSCEF Doc No. 4, aff of service of additional mailing). This satisfies the requirements of CPLR 311, which governs service on corporate defendants and provides that "personal service upon [it]...shall be made by delivering the summons...to an officer, director, managing or general agent, or cashier or assistant cashier or to any other agent authorized by appointment or by law to receive service on its behalf" (*Jun Group Productions LLC v Mundo Hispano Digital, Inc.*, 2025 WL 2145051 [Sup Ct, NY County 2025], citing CPLR 311).

Plaintiff has also provided proof of the facts constituting its claim by submitting copies of Auto Express's credit card account statements reflecting defendant's name, address, account number, and outstanding balance (NYSCEF Doc No. 8 at 19-42), as well as the affidavit of Vivian Hinds, an assistant custodian of records for plaintiff who attests that:

American Express' records further reflect that Defendant used the Account to pay for various goods and services and/or obtain cash advances. American Express' records reflect that American Express sent, or otherwise made available to Card Members or the corporate client, monthly billing statements identifying charges incurred on Defendant's account.

There is no record of Defendant ever asserting a valid unresolved objection to the balance shown as due and owing on the monthly statements provided to Defendant.

Pursuant to American Express' records, Defendant defaulted in making the payments due on the Account ... After giving Defendant credit for all payments made, if any, the amount due and owing as of 2/10/2025 is \$161,768.71, exclusive of court costs. True and correct copies of the monthly Account Statements for the Defendant's Account for the period(s) 12/03/2023 to 01/28/2024 and 02/29/2024 to 06/28/2024 are annexed hereto as Exhibit "A".

(NYSCEF Doc No. 8, Delfin affirm, Ex. E, aff of Vivian Hinds ¶¶7-9 [emphasis added]).

Finally, plaintiff has established Auto Express's default through the affirmation of its counsel, Karen Delfin, Esq. (NYSCEF Doc No. 9, Delfin aff at 1). In light of the foregoing, plaintiff has demonstrated its entitlement to a default judgment on its account stated claim through "proof of service, proof of default, and proof that it presented [defendant] with an account balance of \$[161,768.71] without objection" (*Nouveau El. Indus., Inc. v Tracey Towers Hous. Co.*, 95 AD3d 616, 617 [1st Dept 2012]; *see also Shea & Gould v Burr*, 194 AD2d 369 [1st Dept 1993]).

Accordingly, it is

**ORDERED** that plaintiff's motion for a default judgment against defendant Auto Experts of Tampa Inc A/K/A Auto Experts-CB is granted; and it is further

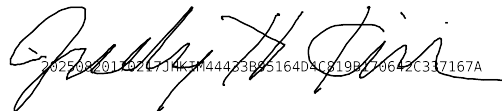
**ORDERED** that plaintiff is granted a judgment in the amount of \$161,768.71, plus costs and disbursements, in its favor and against defendant Auto Experts of Tampa Inc A/K/A Auto Experts-CB; and it is further

**ORDERED** that plaintiff shall, within twenty days from the date of this decision and order, serve a copy of this decision and order, with notice of entry, on defendant as well as 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); and it is further

**ORDERED** that the Clerk shall enter judgment accordingly.

This constitutes the decision and order of the court.



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8/20/2025

DATE

HON. JUDY H. KIM, 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