

**Cushman & Wakefield, Inc. v Cushman & Wakefield
1, Inc.**

2025 NY Slip Op 33343(U)

August 20, 2025

Supreme Court, New York County

Docket Number: Index No. 653177/2024

Judge: James G. Clynes

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. JAMES G. CLYNES PART **39M**

Justice

-----X

CUSHMAN & WAKEFIELD, INC.,
 Plaintiff,

- v -

CUSHMAN & WAKEFIELD 1, INC., RUBIN POINTDUJOUR,
 Defendants.

INDEX NO. 653177/2024
MOTION DATE 01/31/2025
MOTION SEQ. NO. 001

**DECISION + ORDER ON
 MOTION**

-----X

The following e-filed documents, listed by NYSCEF document number (Motion 001) 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 17, 18, 19, 20, 21

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

In this declaratory action, plaintiff Cushman & Wakefield, Inc. (“plaintiff”), moves pursuant to CPLR 3215 for default judgment against defendant Cushman & Wakefield 1, Inc. (“defendant”). Upon the foregoing documents and for the following reasons, plaintiff’s unopposed motion is granted.

On a motion seeking to enter a default judgment pursuant to CPLR 3215, a movant is required to submit proof of service of the summons and complaint, the facts constituting the cause of action, and the defendant’s default in answering or appearing (*see* CPLR 3215; *see also* *Bigio v Gooding*, 213 AD3d 480, 481 [1st Dept 2023]). To demonstrate the facts constituting the cause of action, the movant must submit sufficient proof to enable a court to determine if the cause of action is viable (*see* *Woodson v Mendon Leasing Corp.*, 100 NY2d 62, 71 [2003]). The court may consider the complaint, affidavits and affirmations submitted by the plaintiff (*id.*). A complaint may be used as the affidavit of the facts constituting the claim and the amount due under CPLR 3215 (f), if the complaint is verified by plaintiff (*see* *Nedeltcheva v MTE Transp. Corp.*, 157 AD3d 423, 423 [1st Dept 2018]).

Plaintiff has satisfied the procedural requirements of CPLR 3215 thereby warranting default judgment. Plaintiff has complied with CPLR 3215 (f) by providing an affidavit from plaintiff to the facts of its claim (*see* NY St Cts Elec Filing [NYSCEF] Doc No. 12). Plaintiff also establishes that the summons and complaint was properly served upon defendant pursuant to BCL § 306 (*see* NYSCEF Doc No. 8). Further, plaintiff sent additional notice to defendant in compliance with CPLR 3215 (g) (*see* NYSCEF Doc Nos. 15-16). To date, defendant has failed to answer the instant complaint and/or oppose or otherwise respond to the instant motion, and his time to do so has expired. Therefore, plaintiff's motion for a default judgment against defendant is granted.

Accordingly, it is hereby

ORDERED that the motion of plaintiff Cushman & Wakefield, Inc. made pursuant to CPLR 3215, seeking an order granting plaintiff default judgment against defendant Cushman & Wakefield 1, Inc. is granted; and it is further

ORDERED and ADJUDGED that defendant Cushman & Wakefield 1, Inc. and its officers, agents, servants, employees, successors, assigns, and all other persons acting in concert or in participation with, or affiliated with Cushman & Wakefield 1, Inc, are jointly and severally restrained from taking any action likely to cause confusion, mistake, deception or misunderstanding between Cushman & Wakefield 1, Inc and Cushman & Wakefield, or suggest that defendant or their products or services are from, or authorized, sponsored or approved by, or in any way related to, Cushman & Wakefield; and it is further

ORDERED and ADJUDGED that defendant Cushman & Wakefield 1, Inc. and its officers, agents, servants, employees, successors, assigns, and all other persons acting in concert or in participation with, or affiliated with Cushman & Wakefield 1, Inc, are jointly and severally

restrained from directly or indirectly engaging in any further deceptive practices, unfair competition, trademark infringement, or trademark dilution, including making, offering for sale, or selling any products that feature marks confusingly similar to the Cushman & Wakefield name or marks; and it is further

ORDERED and ADJUDGED that defendant Cushman & Wakefield 1, Inc. and its officers, agents, servants, employees, successors, assigns, and all other persons acting in concert or in participation with, or affiliated with Cushman & Wakefield 1, Inc, are jointly and severally restrained from otherwise continuing any and all acts of deceptive practices, unfair competition, and infringement as alleged in plaintiff's complaint; and it is further

ORDERED and ADJUDGED that defendant Cushman & Wakefield 1, Inc. and its officers, agents, servants, employees, successors, assigns, and all other persons acting in concert or in participation with, or affiliated with Cushman & Wakefield 1, Inc, are jointly and severally restrained from registering any entity containing CUSHMAN & WAKEFIELD or other confusingly similar iterations thereof; and it is further

ORDERED and ADJUDGED that defendant Cushman & Wakefield 1, Inc. and its officers, agents, servants, employees, successors, assigns, and all other persons acting in concert or in participation with, or affiliated with Cushman & Wakefield 1, Inc, are jointly and severally restrained from paying a fee or otherwise taking action to reinstate C&W 1 after its dissolution; and it is further

ORDERED and ADJUDGED that defendant Cushman & Wakefield 1, Inc. and its officers, agents, servants, employees, successors, assigns, and all other persons acting in concert or in participation with, or affiliated with Cushman & Wakefield 1, Inc, are jointly and severally

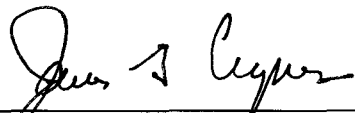
restrained from causing, engaging in or permitting others to do any of the aforesaid acts; and it is further

ORDERED that the Department of State of New York State shall dissolve Cushman & Wakefield 1, and cancel its registration, or, in the alternative, change the name of Cushman & Wakefield 1 along with its mailing address; and it is further

ORDERED that plaintiff shall serve a copy of this decision with notice of entry on defendant by regular and overnight mail within 20 days of this order and upload an affidavit of service; 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).

8/20/2025
DATE


JAMES G. CLYNES, J.S.C.

CHECK ONE:	<input type="checkbox"/>	CASE DISPOSED	<input checked="" type="checkbox"/>	NON-FINAL DISPOSITION
	<input checked="" type="checkbox"/>	GRANTED	<input type="checkbox"/>	GRANTED IN PART
			<input type="checkbox"/>	OTHER
APPLICATION:	<input type="checkbox"/>	SETTLE ORDER	<input type="checkbox"/>	SUBMIT ORDER
CHECK IF APPROPRIATE:	<input type="checkbox"/>	INCLUDES TRANSFER/REASSIGN	<input type="checkbox"/>	FIDUCIARY APPOINTMENT
			<input type="checkbox"/>	REFERENCE