

Federal Express Corp. v Jayden Star LLC

2025 NY Slip Op 33408(U)

September 9, 2025

Supreme Court, New York County

Docket Number: Index No. 159122/2024

Judge: Emily Morales-Minerva

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. EMILY MORALES-MINERVA PART 42M

Justice

-----X

INDEX NO. 159122/2024

FEDERAL EXPRESS CORPORATION

MOTION DATE 03/05/2025

Plaintiff,

MOTION SEQ. NO. 001

- v -

JAYDEN STAR LLC,

DECISION + ORDER ON MOTION

Defendant.

-----X

The following e-filed documents, listed by NYSCEF document number (Motion 001) 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13

were read on this motion to/for JUDGMENT - DEFAULT

APPEARANCES:

Maidenbaum & Associates PLLC (Jeffrey A. Maidenbaum, Esq.) for plaintiff.

EMILY MORALES-MINERVA, J.S.C.

In this breach of contract action, plaintiff FEDERAL EXPRESS CORPORATION (FedEx) moves, by notice of motion (seq. no. 001), for entry of a default judgment against defendant JAYDEN STAR LLC (Jayden Star), pursuant to CPLR § 3215, in the amount of \$32,878.53 with interest from July 5, 2024, plus costs and disbursements of this action. Jayden Star does not appear or submit opposition.

As explained below, the court grants the motion.

ANALYSIS

CPLR § 3215 (a) authorizes the Court to grant a default judgment where a defendant "fails to appear, plead or proceed to trial of an action reached and called for trial, or when the court orders a dismissal for any other neglect to proceed." To obtain such relief, the moving party must establish three elements: (1) proof of service of the summons and complaint upon the defendant, typically by affidavit of service executed by the process server; (2) proof of the facts constituting the claim, by way of an affidavit from a party with personal knowledge; and (3) proof of the default and the amount due, which may be established through an attorney's affirmation (see CPLR § 3215 [f]).

CPLR § 3215 (g) (4) (i) mandates that, in cases involving service upon an authorized foreign corporation under Business Corporation Law (BCL) § 306, plaintiff must mail an additional service of the summons by first class mail to the defendant's last known address at least twenty days before a court can grant it a default judgment (see CPLR § 3215 [g] [4]).

When defendant is a limited liability corporation, service must be effectuated in accordance with Limited Liability Company Law (LLCL) § 303. If the non-appearing defendant is a limited liability corporation served through the Secretary of State, the

plaintiff must also submit "an affidavit [of] additional service of the summons by first class mail [on] defendant at its last known address at least twenty days before the entry of judgment" (CPLR § 3215 [g] [4]; see Momentum Telecom, Inc. v Velocity Wireless, LLC, 2024 WL 844824 [Sup Ct, NY Cnty 2024] [L. Nock, J.S.C.] [holding that "the court adheres to its prior decision denying the motion for a default judgment for failure to comply with the additional notice provisions of CPLR § 3215 [g] [4]" because "the additional notice requirements for corporations served through the Secretary of State apply with equal force to limited liability companies"], citing Crespo v A.D.A. Mgt., 292 AD2d 5, 10 [1st Dept 2002])).

Further, a conclusory statement that service was made to a "last known address," without identifying or substantiating that address, is insufficient. It is reasonable for courts to require the affidavit of service or any other supporting affirmation to not only specify the service address but also establish a good faith basis for its designation as the party's last known address (see Deutsche Bank Nat'l Tr. Co. v Ferguson, 156 AD3d 460, 461 [1st Dept 2017] [holding that an affidavit of service is insufficient where it merely states that the summons and complaint were mailed to defendant's 'last known address' without identifying that address]; see also Feinstein v Bergner, 48 NY2d 234 [1979])).

Here, FedEx indicates defendant's last known address is 385 FIFTH AVENUE, ROOM 507, NEW YORK, NY 10016. In addition, the subject invoices reflect that said address serves as both defendant's billing and shipping address. Therefore, the FedEx has established compliance with the additional service requirement (see generally CPLR § 3215 [g] [4]).

Further, FedEx submits an affidavit by a person with knowledge setting forth "proof of the facts constituting the claim" and proof of defendant's default (CPLR § 3215 [f]; see also NYSCEF Doc. No. 004, Affirmation in Support of Eric J. Canals, Esq.).

Accordingly, it is hereby

ORDERED that plaintiffs Federal Express Corporation's motion (seq. no. 001) for a default judgment is granted; it is further

ORDERED that the Clerk of Court is directed to enter judgment in favor of plaintiff FEDERAL EXPRESS CORPORATION and against defendant JAYDEN STAR LLC in the principal amount of \$32,878.53 with interest from July 5, 2024, plus the costs and disbursements as calculated by the Clerk of Court; it is further

ORDERED that plaintiff shall serve a copy of this decision and order with notice of entry upon defendant JAYDEN STAR LLC within 15 days of notice of such entry and file proof of the same with the Court; and it is further

ORDERED that the Clerk of Court shall mark the file accordingly.

9/9/2025
DATE

Emily Morales-Minerva
EMILY MORALES-MINERVA, J.S.C.

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