

**Farmer v Clinton Hous. Dev. Co., Inc.**

2025 NY Slip Op 33626(U)

September 29, 2025

Supreme Court, New York County

Docket Number: Index No. 157271/2024

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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**INDEX NO. 157271/2024**

WILLIAM FARMER,

**MOTION DATE 05/19/2025**

Plaintiff,

**MOTION SEQ. NO. 001**

- v -

CLINTON HOUSING DEVELOPMENT COMPANY, INC.,  
CLINTON HOUSING WEST 46TH PARTNERS, L.P.,

**DECISION + ORDER ON  
MOTION**

Defendants.

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

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

Upon the foregoing documents, plaintiff William Farmer’s motion for entry of a default judgment against defendants Clinton Housing Development Company, Inc. and Clinton Housing West 46<sup>th</sup> Partners, L.P., is granted for the reasons set forth below.

Plaintiff brings this personal injury action against defendants Clinton Housing Development Company, Inc. (“Clinton Development”) and Clinton Housing West 46th Partners, L.P. (“Clinton West 46th”) alleging that he sustained serious injuries when he was caused to trip and fall on defendants’ premises. Plaintiff moves, pursuant to CPLR 3215, for a default judgment against both defendants for their failure to timely answer or otherwise appear in this action. This motion is unopposed.

A motion for a default judgment must be supported with “proof of service of the summons and the complaint[,] ... proof of the facts constituting the claim, the default and the amount due” (CPLR 3215[f]). With respect to the proof of the facts constituting the claim, the application must

contain sufficient proof “to enable a court to determine that a viable cause of action exists” (*Woodson v Mendon Leasing Corp.*, 100 NY2d 62, 71 [2003]). The plaintiff must offer “some proof of liability ... to satisfy the court as to the prima facie validity of the uncontested cause of action” (*Feffer v Malpeso*, 210 AD2d 60, 61 [1st Dept 1994]). “The standard of proof is not stringent, amounting only to some firsthand confirmation of the facts” (*id.*). In undertaking this review, the Court is mindful that “defaulters are deemed to have admitted all factual allegations contained in the complaint and all reasonable inferences that flow from them” (*Woodson*, 100 NY2d at 71).

Plaintiff has satisfied these requirements. An affirmation of service dated August 21, 2024, establishes that defendant Clinton Development was served with process pursuant to BCL §306 by delivering the summons, complaint, and a Notice of Commencement of Action Subject to Mandatory Electronic Filing to the Secretary of State on that same date (NYSCEF Doc. No. 2 [Affirmation of Jeffrey Teitel]). A separate affirmation of service, also dated August 21, 2024, establishes that defendant Clinton West 46th was served with process pursuant to Partnership Law §121-109<sup>1</sup> by delivering the summons, complaint, and a Notice of Commencement of Action Subject to Mandatory Electronic Filing to the Secretary of State on that same date (NYSCEF Doc. No. 3, Teitel affirm). Plaintiff also submitted proof of compliance with CPLR 3215(g)(4) through mailing of the summons to the defendants on September 23, 2024 (NYSCEF Doc. No. 8 [Exhibit C]) and with the instant motion, served on defendants on May 19, 2025 (NYSCEF Doc. No. 10, Borja affirm).

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<sup>1</sup> Plaintiff submitted an Affirmation of Service to demonstrate that defendant Clinton Housing West 46<sup>th</sup> Partners, L.P. was served pursuant to Partnership Law §121-1505 (NYSCEF Doc. No. 3 [Affirmation of Jeffrey Teitel]). However, that citation refers to service on the Secretary of State for limited liability partnerships. As seen from defendant’s name and as addressed in the complaint, defendant Clinton Housing West 46<sup>th</sup> Partners, L.P. is a limited partnership (NYSCEF Doc. No. 1 [Summons and Complaint] at ¶¶ 19-21). The correct statute has been cited to in the decision and order.

In support of the facts constituting his claim, plaintiff sets forth the particulars of the accident and the basis for imposing liability on defendants in an affirmation. To wit, he affirms that on November 8, 2023, while walking on the public sidewalk on defendants' premises, he was caused to trip and fall on a raised concrete garden edging and, as a result, sustained permanent injuries (NYSCEF Doc. No. 9 [plaintiff's affirmation] at ¶¶ 2-3).

Finally, plaintiff has established defendant's default through the affirmation of his counsel, Glenn H. Shore, Esq. (NYSCEF Doc. No. 5, Shore affirm at ¶¶ 2, 6).

Accordingly, it is

**ORDERED** that plaintiff's motion for a default judgment against defendants Clinton Housing Development Company, Inc. and Clinton Housing West 46th Partners, L.P. is granted, without opposition, on the issue of defendants' liability; and it is further

**ORDERED** that plaintiff shall file and serve a note of issue on or before October 31, 2025, and thereafter contact the Part Clerk to schedule the inquest; and it is further

**ORDERED** that plaintiff shall, within ten days of the date of this decision and order, serve a copy of same, with notice of entry, upon all defendants as well as on the Clerk of the Court (60 Centre Street, Room 141B) and the Clerk of the General Clerk's Office (60 Centre Street, Room 119); and it is further

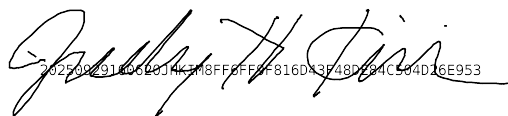
**ORDERED** that a copy of this order with notice of entry be served by the movant upon the Clerk of the General Clerk's Office, who is directed, upon the filing of the note of issue and a certificate of readiness and the payment of proper fees, if any, to place this action on the appropriate trial calendar for the assessment hereinabove directed; and it is further

**ORDERED** that such service upon the Clerk of the General Clerk's Office 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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9/29/2025

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