

Delancey Suffolk Assoc. LLC v Alsaïdi

2025 NY Slip Op 34630(U)

November 24, 2025

Supreme Court, New York County

Docket Number: Index No. 151068/2025

Judge: Mary V. Rosado

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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. MARY V. ROSADO PART 33M

Justice

-----X

DELANCEY SUFFOLK ASSOCIATES LLC,

Plaintiff,

- v -

ADNAN RASHAD ALSAIDI, AYAD SAYEDI, NOMAN RAJA,
HASHID KASSIM

Defendant.

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INDEX NO. 151068/2025

MOTION DATE 08/20/2025

MOTION SEQ. NO. 003

DECISION + ORDER ON MOTION

The following e-filed documents, listed by NYSCEF document number (Motion 003) 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78

were read on this motion to/for JUDGMENT - DEFAULT

Upon the foregoing documents, there being no opposition, good cause having been shown, and after a final submission date of October 3, 2025, Plaintiff's motion seeking leave to amend the caption to name Ayad Saeydi ("Saeydi") as a defendant instead of Ayad Sayedi, and seeking default judgment against Defendants Adnan Rashad Alsaiedi ("Alsaiedi"), Saeydi, and Noman Raja ("Raja") is granted as to liability, with the issue of damages held in abeyance pending resolution of the summary judgment motion, which is still being briefed, between Plaintiff and Defendant Hashid Kassim.

The motion seeking leave to amend is granted (see generally CPLR 305(c), see also Fink v Regent Hotel, 234 AD2d 39 [1st Dept 1996]). Moreover, Plaintiff has corrected the technical deficiencies previously identified by this Court in its prior Decision and Order denying Plaintiff's motion for default judgment (see NYSCEF Doc. 49). Plaintiff has corrected the defects with service and has provided affidavits of non-military service. Moreover, the motion is supported by an affidavit from Jack Cohen, who has personal knowledge of the facts underlying this matter,

along with a copy of the parties' lease and rent ledger. Therefore, the motion for default judgment is granted as to liability.

However, because Plaintiff is seeking a money judgment against all defendants jointly and severally, and because there is a motion for summary judgment which has not yet been fully briefed by Plaintiff against Defendant Hashid Kassim, the Court declines to issue a money judgment against the defaulting defendants at this time. If the Court determines on summary judgment that the surrender date occurred earlier than Plaintiff asserts, then the damages Plaintiff seeks against the defaulting defendants may be curtailed as Plaintiff seeks to hold defendants jointly and severally liable. Moreover, because Plaintiff seeks to hold the parties jointly and severally liable, there can be only one money judgment entered, and that judgment cannot be entered until resolution of the pending motion for summary judgment. Therefore, the issue of damages and the money judgment to be entered against the defaulting defendants is held in abeyance pending a determination or resolution of Plaintiff's motion for summary judgment against Defendant Hashid Kassim.

Accordingly, it is hereby,

ORDERED that Plaintiff's motion seeking leave to amend the caption to name Ayad Saeydi as a defendant instead of Ayad Sayedi, and seeking default judgment against Defendants Adnan Rashad Alsaidi, Ayad Saeydi, and Noman Raja is granted; and it is further

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ORDERED that the caption of the action is amended to read as follows:

SUPREME COURT OF THE STATE OF NEW YORK

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DELANCEY SUFFOLK ASSOCIATES LLC,

Index No.: 151068/2025

Plaintiff,

-against-

ADNAN RASHAD ALSAIDI, AYAD SAEYDI,
NOMAN RAJA, and HASHID KASSIM

Defendants

-----X and it is further

ORDERED that within ten days of entry, Plaintiff shall serve a copy of this Order with notice of entry upon the Trial Support Office, and shall file the notice required by CPLR § 8019(c) and a completed Form EF-22 with the County Clerk 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 the Trial Support Office shall thereupon amend the court records accordingly; and it is further

ORDERED that Plaintiff is granted default judgment with respect to liability on Plaintiff’s first cause of action for breach of lease and third-cause of action for attorneys’ fees against Defendants Adnan Rashad Alsaiedi, Ayad Saeydi, and Noman Raja, with the issue of damages and the money judgment to be entered held in abeyance until the pending motion for summary judgment by Plaintiff and against Defendant Hashid Kassim is decided or otherwise resolved; and it is further

ORDERED that within ten days of entry, counsel for Plaintiff shall serve a copy of this Decision and Order, with notice of entry, on all active parties via NYSCEF and all defaulting parties via first-class mail at their last known residential addresses.

This constitutes the Decision and Order of the Court.

11/24/2025
DATE

Mary V Rosado JSC
HON. MARY V. ROSADO, 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"/>	DENIED	<input type="checkbox"/>
APPLICATION:	<input type="checkbox"/>	SETTLE ORDER	<input type="checkbox"/>	SUBMIT ORDER	<input type="checkbox"/>
CHECK IF APPROPRIATE:	<input type="checkbox"/>	INCLUDES TRANSFER/REASSIGN	<input type="checkbox"/>	FIDUCIARY APPOINTMENT	<input type="checkbox"/>
					<input type="checkbox"/>
					REFERENCE