

**Pabon v New York City Hous. Auth.**

2025 NY Slip Op 34807(U)

December 10, 2025

Supreme Court, New York County

Docket Number: Index No. 156762/2021

Judge: Leslie A. Stroth

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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. LESLIE A. STROTH PART 12M**

*Justice*

-----X

LUIS PABON, NATALIE IRIZARRY,  
Plaintiff,

INDEX NO. 156762/2021

MOTION DATE 04/04/2025

MOTION SEQ. NO. 004

- v -

NEW YORK CITY HOUSING AUTHORITY, WILLIE  
MANNING,  
Defendant.

**DECISION + ORDER ON  
MOTION**

-----X

NEW YORK CITY HOUSING AUTHORITY  
Plaintiff,

Third-Party  
Index No. 596107/2021

-against-

WILLIE MANNING  
Defendant.

-----X

NEW YORK CITY HOUSING AUTHORITY  
Plaintiff,

Second Third-Party  
Index No. 595793/2024

-against-

WILLIE MANNING  
Defendant.

-----X

The following e-filed documents, listed by NYSCEF document number (Motion 004) 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100

were read on this motion to/for JUDGMENT - DEFAULT

Upon the foregoing documents, it is ordered that Second Third-Party Plaintiff, New York City Housing Authority's ("NYCHA") unopposed motion for default judgment against Second Third-Party Defendant Willie Manning is granted.

This action arises from a fire that occurred on October 24, 2020, at approximately 5:30 p.m., inside Apartment 2C of a building located at 2199 Fifth Avenue, New York, New York, owned by the NYCHA. NYCHA alleges that the fire was intentionally set by Second Third-Party Defendant Manning during a domestic dispute with the female tenant of Apartment 2C. Plaintiffs Luis Pabon and his wife Natalie Irizarry, residents of Apartment 4B in the same building, allege that Mr. Pabon suffered smoke inhalation and other injuries as a result of the fire.

Second Third-Party Defendant Manning was arrested at the scene and later indicted by a New York County Grand Jury under Indictment #1574-2020 for multiple felonies, including Arson in the Second Degree, Burglary, Assault, and Criminal Mischief. (NYSCEF Doc No. 91). On May 18, 2022, he pleaded guilty to Arson in the Second Degree and was sentenced to eight years of incarceration, which he is currently serving at Wende Correctional Facility. (NYSCEF Doc Nos. 91, 93).

Plaintiffs served a Notice of Claim on NYCHA on December 4, 2020, and commenced this action on July 20, 2021. (NYSCEF Doc Nos. 86-87). NYCHA answered the complaint on August 23, 2021. (NYSCEF Doc No. 88). Plaintiffs subsequently amended their complaint on February 17, 2022, to name Mr. Manning as a direct defendant. (NYSCEF Doc No. 89).

NYCHA previously filed the Third-Party Complaint against Mr. Manning in December 2021 and moved for default in this matter in Motion Sequence 3. (NYSCEF Doc Nos. 46, 92). This Court, in its Order dated July 26, 2023 denied NYCHA's motion for default judgment on the first Third-Party Complaint for failing to comply with CPLR 306-b service requirements related of the Third-Party summons and complaint. (NYSCEF Doc No. 75 at 2).

NYCHA subsequently commenced the second third-party action against Mr. Manning on August 9, 2024. (NYSCEF Doc No. 95).

When a third-party defendant fails to appear or answer, a third-party plaintiff may seek a default judgment against that third-party defendant (CPLR 3215 [a]). “On a motion for leave to enter a default judgment pursuant to CPLR 3215, the movant is required to submit proof of service of the summons and complaint, proof of the facts constituting its claim, and proof of the defaulting party's default in answering or appearing” (*Atlantic Cas. Ins. Co. v RJNJ Servs., Inc.*, 89 AD3d 649, 651 [2d Dept 2011]).

Here, NYCHA has cured the service issues which were identified as grounds for denial in Motion Sequence 3. NYCHA has provided proof of service of the second third-party summons and complaint, a good faith letter and an Affirmation of Military Investigation that Mr. Manning is not in the military. NYCHA also provides an Affidavit of Merit, constituting proof of the facts underlying the Second Third-Party Complaint, as well as proof that Mr. Manning has failed to answer or appear. Finally, the Court held Oral Argument on the instant motion on December 10, 2025 to address any issues with service on Mr. Manning as a result of his incarceration. During Oral Argument Mr. Manning revealed that he is blind (as of June 6, 2024) and stated that no one inside or outside the correctional facility could assist him in preparing opposition or other legal papers. However, he admitted that he is aware of the instant matter as he had received the original papers which were served before he became blind and was aware of the case and that there was a third-party action brought against him and he recounted some details. Although he stated that he has no access to anyone who can help him with defending himself, he failed to show proof that he had attempted to obtain help or otherwise engage in the litigation to date. As such, NYCHA's motion for default judgment related to the Second Third-Party Action in Motion Sequence 4 is granted.


Accordingly; it is hereby;

ORDERED; that within 30 days of entry of this order, Second Third-Party Plaintiff, New York City Housing Authority, shall serve a copy of this order upon all parties, with notice of entry, and shall file such notice via NYSCEF; and it is further

ORDERED, that the Second Third-Party Plaintiff, New York City Housing Authority motion for a default judgment pursuant to CPLR 3215 against the Second Third-Party Defendant Willie Manning is granted;

The foregoing constitutes the Decision and Order of the Court.

12/10/2025  
DATE

  
LESLIE A. STROTH, 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
APPLICATION:	<input type="checkbox"/>	SETTLE ORDER	<input type="checkbox"/>	OTHER
CHECK IF APPROPRIATE:	<input type="checkbox"/>	INCLUDES TRANSFER/REASSIGN	<input type="checkbox"/>	REFERENCE
			<input type="checkbox"/>	FIDUCIARY APPOINTMENT