

Joe Sunshine Trading LLC v Aimtron Co., Ltd.

2025 NY Slip Op 34925(U)

December 11, 2025

Supreme Court, New York County

Docket Number: Index No. 154702/2025

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

JOE SUNSHINE TRADING LLC,
Plaintiff,

- v -

AIMTRON CO., LIMITED, LANCO APPAREL LLC, E-LO
SPORTSWEAR LLC

Defendant.

-----X

INDEX NO. 154702/2025
MOTION DATE 10/16/2025
MOTION SEQ. NO. 005

**DECISION + ORDER ON
MOTION**

The following e-filed documents, listed by NYSCEF document number (Motion 005) 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106

were read on this motion to/for VACATE - DECISION/ORDER/JUDGMENT/AWARD.

FACTUAL AND PROCEDURAL

This turnover proceeding arises from Petitioner Joe Sunshine Trading LLC’s (“JST”) efforts to enforce a June 4, 2024 federal default judgment in the amount of \$247,160.33 against New Wave Fashion Inc. (“New Wave”) and Glory Victory Trading Limited (“Glory Victory”) (together, the “Judgment Debtors”).

Petitioner filed the instant special proceeding on April 7, 2025 under CPLR 5225(b) and 5227, alleging that Respondents Aimtron Co. Limited (“Aimtron”), Lanco Apparel LLC (“Lanco”), and E-Lo Sportswear LLC (“E-Lo”) possessed, or had wrongfully received, assets belonging to the Judgment Debtors.

Together with the Petition, JST moved by Order to Show Cause for an order of attachment in the amount of \$279,163.50, supported by the Emergency Affirmations of Joseph Heaven and Todd Strassberg. The application asserted that Aimtron had received approximately \$161,174.50 on invoices allegedly originating from New Wave, and an additional \$89,395.50

purportedly representing proceeds of “swapped-out” invoices that should have been payable to the Judgment Debtors.

JST also submitted internal Lanco accounting records, referred to as “Master Sheets” showing substantial sums owed to Aimtron for ongoing commercial shipments. Respondents did not appear on the return date, and on April 30, 2025 this Court issued an Order of Attachment restraining “outstanding invoices for goods sold and delivered by Aimtron to Lanco and E-Lo.”

On May 20, 2025, Aimtron moved to vacate the Attachment Order pursuant to CPLR 5015 and 5240, explaining that it had been unable to obtain counsel and respond within the eight-day period provided in the original Order to Show Cause.

On October 6, 2025, this Court issued a Decision and Order holding that the motion should have been brought under CPLR 6223 and permitting Aimtron to renew its motion.

In Motion Sequence 005, Aimtron renews its challenge to the Attachment Order pursuant to CPLR 6223.

LEGAL STANDARD

Pursuant to CPLR 6223(b), the burden is on the Petitioner, as the party who obtained the attachment, to establish three things:

- (1) that grounds existed to issue the attachment under CPLR 6201;
- (2) that the levy must continue; and
- (3) that Petitioner has a probability of success on the merits.

DISCUSSION

First, it is undisputed that Defendant Aimtron is a “nondomiciliary residing without the state” for the purposes of establishing the original Order of Attachment as Aimtron is a Hong Kong corporation. However, the Court fails to dismiss the action for lack of jurisdiction, as facts remain as to the contacts Aimtron has with New York.

Second, Petitioner has not demonstrated the need to continue the levy. The fact that a party is foreign does not, standing alone, create a presumption of asset dissipation. The record does not contain evidence of imminent removal, concealment, or transfer of assets that would frustrate enforcement.


The Garnishee Statements submitted by Respondents Lanco and E-Lo show that neither entity held funds or property belonging to the Judgment Debtors at the time of the restraint, and they do not indicate any risk that such funds will be paid away if the levy is lifted. Likewise, the invoices Petitioner relies upon relate to ongoing commercial transactions for goods produced and shipped by Aimtron, not to funds presently belonging to the Judgment Debtors. Petitioner has not identified any specific bank account, transaction, transfer pattern, or change in Aimtron's business conduct suggesting that Aimtron is about to conceal, remove, or dissipate assets in a manner that would frustrate enforcement.

Third, with respect to probability of success, the turnover proceeding is brought under CPLR 5225(b), which requires Petitioner to show that the property restrained belongs to the Judgment Debtors, or that Petitioner's rights to the property are superior to the Respondent's. The record reflects that the largest portion of funds referenced, approximately \$161,000, was paid to Glory Victory, the Judgment Debtor itself, and not to Aimtron. As to the remaining approximately \$89,000, Petitioner has not submitted documentary evidence showing that these sums were originally owed to the Judgment Debtors before being "swapped" to Aimtron. As such, the evidentiary showing required to demonstrate that Aimtron received property of the Judgment Debtors has not been made, and the Order of Attachment is vacated.

Accordingly, it is hereby

ORDERED that the Respondents Motion to Vacate Order of Attachment dated April 30, 2025 is granted and that Order of Attachment is hereby vacated, and the levy is lifted.

The foregoing constitutes the decision and order of the court.

	<u>12/11/2025</u> 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"/> DENIED	<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