

Khalfaoui v Alsaty

2025 NY Slip Op 35047(U)

December 3, 2025

Supreme Court, New York County

Docket Number: Index No. 160708/2025

Judge: James G. Clynes

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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. JAMES G. CLYNES PART 39M

Justice

-----X

ZIED KHALFAOUI,

Plaintiff,

- v -

MAHMOUD ALSATY, AHMED ABDELAZIZ, HORIZON INTERNATIONAL CONSULTING & STRATEGIC STUDY, HORIZON INTERNATIONAL CONSULTING & STRATEGIC STUDY,

Defendant.

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INDEX NO. 160708/2025

MOTION DATE 09/19/2025, 10/09/2025

MOTION SEQ. NO. 001 002

DECISION + ORDER ON MOTION

The following e-filed documents, listed by NYSCEF document number (Motion 001) 14, 15 were read on this motion to/for ALTERNATE SERVICE

The following e-filed documents, listed by NYSCEF document number (Motion 002) 29 were read on this motion to/for AMEND CAPTION/PLEADINGS

Upon the foregoing documents, it is ordered that the motions of pro se Plaintiff Zied Khalfaoui for an Order pursuant to CPLR 3025 amending the caption to correct the name of defendant "Mahmoud Alsaty" to "Mahmoud Alsafty" (Motion Sequence Number 002) and pursuant to CPLR 306-b and 308 (5) for an Order extending the time to serve defendant Mahmoud Al-Safty and permitting alternate service upon defendant Al-Safty are consolidated for disposition and granted without opposition as set forth below.

Pro se Plaintiff seeks recovery against Defendants in relation to an alleged agreement between the parties wherein Defendants were to provide immigration services to Plaintiff.

Plaintiff commenced this action with the filing of the Summons and Complaint on August 11, 2025 (NYSCEF DOC NO 1). On September 22, 2025 Defendants Ahmed Abdelaziz, Horizon International Consulting & Strategic Study (EHAB) Consulting Agent, Horizon

International Consulting and Strategic Study (IRENE) Information Agent, and Horizon International Consulting & Strategic Study LLC filed an Answer.

Pursuant to CPLR 3025 (b), “[a] party may amend his pleading, or supplement it by setting forth additional or subsequent transactions or occurrences, at any time by leave of court or by stipulation of all parties.” Leave to amend pleadings is generally freely granted, absent prejudice and surprise resulting from the delay (*see Edenwald Contr. Co. v City of New York*, 60 NY2d 957, 959 [1983]; *Antwerpse Diamantbank N.V. v Nissel*, 27 AD3d 207, 208 [1st Dept 2006]). Here, Pro Se Plaintiff seeks to amend the caption to correct the spelling of the name of Defendant Mahmoud Alsaty to the correct name “Mahmoud Al-Safty.” No opposition was filed, and, thus, no prejudice is alleged or shown. Thus, plaintiff’s motion to amend (Motion Sequence Number 002) is granted without opposition.

CPLR 306-b, provides that service of the summons and complaint shall be made within one hundred twenty days after the commencement of the action and that if service is not made upon a defendant within the time provided, that the court, upon motion, shall dismiss the action without prejudice as to that defendant, or upon good cause shown or in the interest of justice, extend the time for service (CPLR 306-b). Plaintiff’s submission, which included the “affirmation of non-service,” dated September 5, 2025, demonstrates that service is impracticable and that alternate service under CPLR 308 (5) is warranted. Pro se plaintiff’s motion pursuant to CPLR 306-b for an Order extending the time to serve Defendant Mahmoud Al-Safty and pursuant to CPLR 308 (5) for an Order permitting alternate service upon Defendant Mahmoud Al-Safty (Motion Sequence Number 001) is granted without opposition.

In the interest of justice, Pro Se Plaintiff’s motion for an Order extending the time to serve Defendant Al-Safty and permitting alternate service upon Defendant Al-Safty (Motion Sequence Number 001) is granted without opposition to the extent set forth below.

Accordingly, it is

ORDERED that plaintiff’s motion to amend (Motion Sequence Number 002) is granted without opposition; and it is further

ORDERED that the action shall bear the following caption:

ZIED KHALFAOUI,

Plaintiff,

-against-

MAHMOUD AL-SAFETY, AHMED ABDELAZIZ,
HORIZON INTERNATIONAL CONSULTING &
STRATEGIC STUDY, HORIZON INTERNATIONAL
CONSULTING & STRATEGIC STUDY,

Defendants.

And it is further

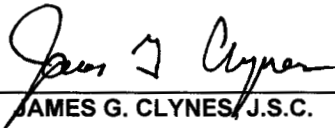
ORDERED that within 20 days plaintiff shall serve a copy of this order with notice of entry upon the County Clerk (60 Centre Street, Room 141B) and the Clerk of the General Clerk’s Office (60 Centre Street, Room 119), who are directed to mark the court’s records to reflect the amendment of the caption; and it is further

ORDERED that such service upon the County Clerk and 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 Plaintiff's motion to extend the time to serve Defendant Al-Safty and to serve Defendant Al-Safty by alternate service (Motion Sequence Number 001) is granted without opposition; and it is further

ORDERED that Plaintiff within 45 days of entry of this Decision and Order shall file and serve a copy of the Summons and Complaint and a copy of this Decision and Order upon Defendant Mahmoud Al-Safty by email to alsafy@aol.com and by first class mail and by certified mail, return receipt requested to Mahmoud Al-Safty, PO Box 1174, Annadale, VA 22003-9174.

This constitutes the Decision and Order of the Court.

<u>12/3/2025</u> DATE					 _____ JAMES G. CLYNES, 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