

Bascombe v Farrelly
2026 NY Slip Op 30424(U)
January 23, 2026
Supreme Court, Kings County
Docket Number: Index No. 515523/2020
Judge: Wavny Toussaint
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At an IAS Term, Part 70 of the Supreme Court of the State of New York, held in and for the County of Kings, at the Courthouse, at 360 Adams Street, Brooklyn, New York, on the 23rd day of January, 2026.

P R E S E N T :
HON. WAVNY TOUSSAINT,
Justice.

KEVIN BASCOMBE and SYREETA SMITH, as the
Administrator of the Estate of Mabel Williams a/k/a
Mabel C. Williams a/k/a Mabel Constance Williams,

Index No.: 515523/2020

**DECISION AND
ORDER**

Plaintiffs,

- against -

DARIUS STEVEN FARRELLY, individually and as
Trustee of the Mabel Constance Williams
Irrevocable Living Trust, DF 770 HALSEY STREET
LLC, 213 WOOD ACQUISITIONS LLC, EURITA
WILLIAMS, OMAR WILLIAMS, DEMARVIS WILLIAMS,
LAREN WILLIAMS, ANTONIO WILLIAMS, KRISTOPHER
WILLIAMS, GOLDEN BRIDGE LLC d/b/a GOLDEN
BRIDGE FUNDING LLC, SNG CAPITAL INVESTORS
LLC, SILVER STREAM ADVISORS, LLC, CJN CAPITAL
LLC, SAW PRODUCTIONS and NLP INDUSTRIES a/k/a
NLP INDUSTRY LLC,

Defendants.

The following papers numbered 1 to read herein
Notice of Motion/Order to Show Cause/
and Affidavits (Affirmations) Annexed
Cross Motion and Affidavits (Affirmation) Annexed
Answers/Opposing Affidavits (Affirmations)
Reply Affidavits (Affirmations)
Affidavit (Affirmation)
Other Papers

NYSCEF Doc. Nos.

267-269
314-317
280-283; 318
288
306

This is a fraud and quiet title action initiated by plaintiff Kevin Bascombe (joined by Syreeta Smith) against his cousin, defendant Darius Steven Farrelly, among others,

seeking a declaration, pursuant to RPAPL § 1501, voiding the subject Williams Trust and all deeds, liens and mortgages flowing therefrom, concerning the property located at 770 Halsey Street, Brooklyn, New York.

Upon the foregoing papers, plaintiffs' cross-motion (Seq. 11) for an order, pursuant to CPLR § 3215, entering a default judgment against defendants Darius Steven Farrelly, DF 77 Halsey Street LLC, 213 Wood Acquisitions LLC, Eurita Williams, Omar Williams, Demarvis Williams, Laren Williams, Antonio Williams, Krisstopher Williams, Golden Bridge LLC, SNG Investors LLC, Silver Stream Advisors, Saw Productions and NLP Industries, is granted, except as to defendant 213 Wood Acquisitions LLC, as further discussed herein.

Over the opposition filed by defendant CJN Capital LLC, plaintiffs demonstrated the default of the non-appearing defendants by the submission of proofs of service (or admissions of service) of the summons and complaint, and proof of compliance with the Court order dated November 19, 2025 (NYSCEF Doc. No. 292), also directing service of the within motion papers on the non-appearing defendants (*See* "Affirmation of Service" at NYSCEF Doc. No. 306). Plaintiffs' submissions, including the Bascombe Affidavit (NYSCEF Doc. No. 269), the legal arguments set forth in the Kalish Affirmation (NYSCEF Doc. No. 268) and the Affirmation of Service, constituted proof of the facts underlying the claims set forth in the complaint and proof of said defendants' failure to answer or otherwise appear in this action (*Alleyne v Rutland Dev. Group, Inc.*, 213 AD3d 889, 890-891 [2d Dept 2023]; *Tsionis v Eriora Corp.*, 123 AD3d 694, 695 [2d Dept 2014]; *see also* CPLR §§ 320 [a] and 3215 [f]). Further, the judgment obtained by plaintiffs against the non-appearing defendants is not entitled to collateral estoppel effect

against the non-defaulting defendants, 213 Wood Acquisitions LLC and CJN Capital LLC, who would otherwise be denied a full and fair opportunity to litigate issues of liability (*Lewis v Reeves*, 236 AD3d 777, 779 [2d Dept 2025], citing *Holt v Holt*, 262 AD2d 530, 530 [2d Dept 1999]).

213 Wood Acquisitions LLC's cross-motion (Seq. 15) for an order, pursuant to CPLR § 3025 [b] and CPLR § 2005, for leave to serve a late amended answer adding a counterclaim for ejectment, is also granted (*Wang v IV-CVCF NEB REO, LLC*, 227 AD3d 937, 939 [2d Dept 2024]). Plaintiffs' opposition to the motion failed to demonstrate prejudice or surprise, or that the proposed amendment was palpably insufficient or patently devoid of merit (*C Castle Group Corp. v Herzfeld & Rubin, P.C.*, 237 AD3d 888, 888-889 [2d Dept 2025]; *Wall St. Mtge. Bankers, Ltd. v Berquin*, 213 AD3d 972, 975 [2d Dept 2023]; see also CPLR § 3025 [b]). Further, plaintiffs' argument that the motion and supporting affirmations were procedurally defective (i.e., improperly subscribed, etc.), and thus should be denied, is without merit, as no substantial rights of plaintiffs were prejudiced by the purported procedural defects (*Avalon Gardens Rehabilitation & Health Care Ctr., LLC v. Morsello*, 97 AD3d 611, 612 [2d Dept 2012]; *U.S. Bank N.A. v. Eaddy*, 109 AD3d 908, 910 [2d Dept 2013]; see also CPLR § 2001). For the foregoing reasons, 213 Wood Acquisitions LLC was not defaulted on Motion Seq. 11.

Accordingly, it is hereby

ORDERED, plaintiffs' cross-motion (Seq. 11) for an order, pursuant to CPLR § 3215, entering a default judgment against defendants Darius Steven Farrelly, DF 77 Halsey Street LLC, Eurita Williams, Omar Williams, Demarvis Williams, Laren Williams, Antonio Williams, Krisstopher Williams, Golden Bridge LLC, SNG Investors LLC, Silver

Stream Advisors, Saw Productions and NLP Industries, is granted. The motion is denied as to defendant 213 Wood Acquisitions LLC.

ORDERED, that the defaulted, non-appearing defendants are deemed to have admitted all factual allegations of the amended complaint and all reasonable inferences therefrom, except that the legal conclusions to be drawn therefrom are reserved for further determination by the Court; and it is further

ORDERED, that 213 Wood Acquisitions LLC's cross-motion (Seq. 15) for an order, pursuant to CPLR § 3025 [b] and CPLR § 2005, for leave to serve a late amended answer, is granted to the extent 213 Wood Acquisitions LLC is permitted to serve a late amended answer, to include a counterclaim for ejectment; and it is further

ORDERED, that 213 Wood Acquisitions LLC's amended answer, found at NYSCEF Doc. No. 321, is deemed served. Plaintiff and defendant CJN Capital LLC shall responded to the newly asserted counterclaim within twenty (20) days from the date this order is uploaded to e-file; and it is further

ORDERED, that the action is severed and continued as to the remaining parties (213 Wood Acquisitions LLC and CJN Capital LLC) and the clerk may enter judgment against the defaulting defendants.

This constitutes the decision and order of the Court.

For Clerks use only
MG____
MD____
Motion Seq.

E N T E R

2026 JAN 29 A 9:40
KINGS COUNTY CLERK
FILED



J.S.C.

**HON. WAVNY TOUSSAINT
J. S. C.**