

**State Farm Mut. Auto. Ins. Co. v Treker Med.
Supplies, Inc.**

2026 NY Slip Op 30839(U)

March 3, 2026

Supreme Court, New York County

Docket Number: Index No. 653818/2025

Judge: Emily Morales-Minerva

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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. EMILY MORALES-MINERVA PART 42M

Justice

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INDEX NO. 653818/2025

STATE FARM MUTUAL AUTOMOBILE INSURANCE
COMPANY, STATE FARM FIRE AND CASUALTY
COMPANY

MOTION DATE 12/09/2025

MOTION SEQ. NO. 001

Plaintiffs,

- v -

**DECISION + ORDER ON
MOTION**

TREKER MEDICAL SUPPLIES, INC.,

Defendant.

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The following e-filed documents, listed by NYSCEF document number (Motion 001) 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17

were read on this motion to/for JUDGMENT - DEFAULT.

APPEARANCES:

Bennett, Bricklin & Saltzburg, LLC, New York, NY (Alexis Ray Garriga, Esq., of counsel), for plaintiff.

EMILY MORALES-MINERVA, J.S.C.

In this action seeking a declaratory judgment, plaintiffs STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY and STATE FARM FIRE AND CASUALTY COMPANY move, by notice of motion (sequence number 001), pursuant to CPLR § 3215, for an order granting it a default judgment against defendant TREKER MEDICAL SUPPLIES, INC.

When a defendant fails "to appear, plead or proceed to trial of an action reached and called for trial, or when the court orders a dismissal for any other neglect to proceed, the plaintiff may seek a default judgment against [the defendant]"

(CPLR § 3215 [a]). To establish entitlement to a default judgment, plaintiff must file (1) proof it served defendant with the summons and complaint, and (2) "proof of the facts constituting the claim, the default, and the amount due . . . by affidavit made by the party" (see CPLR § 3215 [f]; see also Woodson v Mendon Leasing Corp., 100 NY2d 62, 70 [2003] [providing that "an applicant for a default judgment [must] file 'proof by affidavit made by the party of the facts constituting the claim'"]; 231st Riverdale LLC v 7 Star Home Furniture Inc., 198 AD3d 524, 525 [1st Dept 2021]; Feffer v Malpeso, 210 AD2d 60 [1st Dept 1994]).

Here, plaintiffs demonstrate its entitlement to entry of a default judgment against defendant by submitting, among other things, the affirmation of service (NYSCEF Doc. No. 4); the affirmation of additional mailing (NYSCEF Doc. No. 12); the appendix of claims (NYSCEF Doc. No. 11); the affirmation of Brian Krolak, investigator for plaintiff (NYSCEF Doc. No. 13); the affirmation of Ibiene J. Don-Pedro, claims support supervisor for plaintiff (NYSCEF Doc. No. 14); the affirmation of Lathonia Maloy, administrative services supervisor (NYSCEF Doc. No. 14); affirmation of Jesse C. Martz, operation manager of the service provider that picks up and presorts plaintiff's mail (NYSCEF Doc. No. 14); and an attorney affirmation (NYSCEF Doc. No. 12) (see CPLR § 3215 [f]; see also Licurgo-Villar v

Samouha, 227 AD3d 619, 620 [1st Dept 2024]; Guzetti v City of New York, 32 AD3d 234 [1st Dept 2006]).

Accordingly, it is hereby

ORDERED that plaintiffs' STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY and STATE FARM FIRE AND CASUALTY COMPANY motion (seq. no. 001) for a default judgment against defendant TREKER MEDICAL SUPPLIES, INC. is granted; it is further

ORDERED that the Clerk of Court is directed to enter judgment in favor of plaintiffs STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY and STATE FARM FIRE AND CASUALTY COMPANY and against defendant TREKER MEDICAL SUPPLIES, INC.; it is further

ORDERED and ADJUDGED that plaintiffs STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY and STATE FARM FIRE AND CASUALTY COMPANY are not obligated to honor or pay any of the claims submitted by defendant TREKER MEDICAL SUPPLIES, INC. listed in the appendix of claims (NYSCEF Doc. No. 02); it is further

ORDERED that, within twenty days from the date of this decision and order, plaintiffs shall serve a copy of this order, with notice of entry, on defendant, as well as on the Clerk of the Court, who shall enter judgment accordingly; and it is further

ORDERED that the Clerk of Court shall mark the file accordingly.

3/3/2026
DATE


EMILY MORALES-MINERVA, J.S.C.

CHECK ONE:	<input checked="" type="checkbox"/>	CASE DISPOSED	<input type="checkbox"/>	NON-FINAL DISPOSITION
	<input checked="" type="checkbox"/>	GRANTED	<input type="checkbox"/> DENIED	<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"/>	<input type="checkbox"/> FIDUCIARY APPOINTMENT
				<input type="checkbox"/> REFERENCE