

Espinosa v Juanito's Grocery Corp.

2026 NY Slip Op 31322(U)

April 1, 2026

Supreme Court, New York County

Docket Number: Index No. 153051/2019

Judge: Lisa S. Headley

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SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY

PRESENT: HON. LISA S. HEADLEY PART 17M

Justice

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RAYMUNDO CRISOSTOMO ESPINOSA,

INDEX NO. 153051/2019

Plaintiff,

- v -

DECISION/ORDER AFTER INQUEST

JUANITO'S GROCERY CORP.,

Defendant.

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On April 23, 2020, the Court granted Plaintiff Raymundo Espinosa's ("Plaintiff") motion for a default judgment against Defendant Juanito's Grocery Corp., ("Defendant") on the issue of liability, only, in the Decision and Order issued by Justice David Cohen. (See, NYSCEF Doc. No. 55). The Defendant was served with the Notice of Entry of the Order dated April 23, 2020, which granted the Plaintiff a default judgment against Defendant. (See, NYSCEF Doc. No. 55). On August 18, 2023, the Court granted Plaintiff's motion to restore this matter against Defendant to the Court's active calendar. (See, NYSCEF Doc. No. 62). On August 5, 2024, the Court granted Plaintiff's unopposed motion to renew and restore this matter to the inquest calendar. (See, NYSCEF Doc. No. 64). The Defendant was served with the Notice of Entry of the Order dated August 5, 2024. (See, NYSCEF Doc. No. 66).

On December 4, 2024, this Court held an inquest for the assessment of Plaintiff's damages caused by Defendant. In this case, Plaintiff's counsel demonstrated that reasonable efforts were made to notify Defendant of the inquest date. Plaintiff served Defendant with the Court's Decision and Order scheduling this matter for an inquest. (See, NYSCEF Doc. No. 67). The Court also notified the Defendant of the scheduled inquest date. (See, NYSCEF Doc. No. 65). The scheduled inquest was held on December 4, 2024, and Defendant failed to appear.

At the inquest, the Plaintiff was the sole witness to testify before this Court. Plaintiff submitted into evidence as Plaintiff's Exhibit 1, collectively, Hospital Records, which detailed that "Plaintiff sustained a left knee sprain after sustaining mechanical fall down, approximately, eight

stairs.... Reports now with left medial knee pain and lower leg pain.” (See, NYSCEF Doc. No. 68, Pg 12)

This Court had the opportunity to observe Plaintiff’s demeanor and assess his testimony. Plaintiff testified that on January 25, 2019, he arrived at work between seven and eight a.m. working as a carpenter in a building across the street from the bodega (“Bodega”) where the accident occurred. Plaintiff testified that he was inside the bodega, owned by Defendant, during a coffee break. Plaintiff testified that the accident occurred when Plaintiff:

“... was walking straight to the freezer area where they keep the juices, the sodas... When I went into the grocery store, I was talking to a co-worker of mine. We were talking. He was also taking his coffee break with me. I was walking towards the freezer when I was about to open the freezer to get the beverage, there was a hole and I fell into that hole.” (See, NYSCEF Doc. No. 68, Pg 5)

Plaintiff testified that the hole:

“... was a place used to go down to the basement, no doors were covering this area, the entire area was open, and I hurt my left side, but my entire body went down.” (See, NYSCEF Doc. No. 68, Pg 6)

Plaintiff testified that his co-worker witnessed the accident:

My co-worker helped me up, they lifted me up. They had me sit down. At that moment, I felt well. I exited the grocery store. But by then, I was no longer able to set my foot on the ground, so I needed to sit until the ambulance arrived. (See, NYSCEF Doc. No. 68, Pg 6)

Plaintiff testified that the employees at the bodega saw him fall:

Yes, the employees over there. There were employees both upstairs and Plaintiff saw two in the basement who were working... and the employees apologized to him for the accident. (See, NYSCEF Doc. No. 68, Pgs 6-7)

Plaintiff testified about his medical treatment:

A co-worker named Willis Mejia (“Mr. Mejia”) called an ambulance, and the last time I saw Mr. Mejia was in 2021. I entered the ambulance and was taken to Presbyterian Hospital where they

treated my left leg, stabilized my knee by putting bands around it, medicated me, then within time, they sent me home, they told me to rest, and I was told to see a specialist for the knee. I have never hurt my left knee prior to this accident, and I never played sports or had difficulty walking prior to this accident. (*See, NYSCEF Doc. No. 68, Pgs 7-8*)

Plaintiff testified about the medical treatment of his knee:

I did not have any broken bones in my leg, I saw a specialist, and he didn't do anything, all medications, rest, and that's it. I did not have physical therapy, and I was able to go back to work two months after the accident. Since returning to work my body has not been able to do the same types of duties, until my body started getting used to it. After a month-and-a-half I was able to do things normally like I did before. (*See, NYSCEF Doc. No. 68, Pgs 10-11*)

In summation, Plaintiff requests for this Court to issue a judgment to be rendered against the Defendant, who has not answered Plaintiff's summons and complaint that was properly served in the amount of \$50,000.00 against Defendant.

The Court finds the Plaintiff's testimony to be credible. Based on the evidence presented, the Court finds that the Plaintiff has demonstrated that he has suffered an injury as a result of the subject accident that took place on January 25, 2019. Therefore, the Court finds that the Plaintiff is entitled to a judgment for damages in his favor and against Defendant Juanito's Grocery Corp. in the total amount of \$50,000.00.

Accordingly, it is hereby

ORDERED that after the inquest held on December 4, 2024, the Court awards Plaintiff Raymundo Crisostomo Espinosa \$50,000.00 in damages against Defendant Juanito's Grocery Corp.; and it is further

ORDERED that the Court directs the Clerk of the Court to enter judgment in favor of Plaintiff, Raymundo Crisostomo Espinosa, as against Defendant Juanito's Grocery Corp, in the amount of \$50,000.00; and it is further

ORDERED that within 30 days of entry, counsel for Plaintiff shall serve a copy of this Decision and Order, with notice of entry, upon Defendant; and it is further

