

Itria Ventures LLC v Pearle 88 Inc

2026 NY Slip Op 31416(U)

April 6, 2026

Supreme Court, New York County

Docket Number: Index No. 654833/2025

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
COUNTY OF NEW YORK: PART 42M

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ITRIA VENTURES LLC,		INDEX NO. <u>654833/2025</u>
Plaintiff,		MOTION DATE <u>10/16/2025</u>
- v -		MOTION SEQ. NO. <u>001</u>
PEARLE 88 INC DBA MEME AMERICA, DONGMING PAN, MEME WORLDWIDE INC.		
Defendants.		DECISION + ORDER ON MOTION

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The following e-filed documents, listed by NYSCEF document number (Motion 001) 2, 6, 7, 8, 9, 10, 11, 12
 were read on this motion to/for JUDGMENT - SUMMARY IN LIEU OF COMPLAINT.

APPEARANCES:

Kasowitz LLP, New York, NY (David Jacob Abrams, Esq., of counsel) for plaintiff.

HON. EMILY MORALES-MINERVA:

In this action to enforce a March 08, 2024 judgment issued by a California Court in favor of plaintiff ITRIA VENTURES LLC and against defendants PEARLE 88 INC DBA MEME AMERICA, DONGMING PAN, and MEME WORLDWIDE INC., plaintiff moves, by notice of motion (sequence number 01), pursuant to CPLR § 3213, for summary judgment in lieu of complaint. Defendants do not appear or submit opposition to the motion.

On July 13, 2018, Judge Walter R. Schwarm of the Superior Court of California, County of Orange entered judgment in favor of plaintiff and against defendants PEARLE 88 INC DBA MEME AMERICA and DONGMING PAN, jointly and severally, in the amount of \$222,948.82, and against defendant MEME WORLDWIDE INC. in the amount of \$71,880.31 pursuant to Case No. 30-2023-01303583-CU-BC-CJC (California judgment) (see New York State Court Electronic Filing System [NYSCEF] Doc. No. 04, California judgment, authenticated in accordance with CPLR § 45401). (id.).

Plaintiff now moves (mot. seq. no. 01), pursuant to CPLR § 3213, for summary judgment in lieu of complaint against defendants. In support of its motion, plaintiff submits a summons and notice of motion for summary judgment in lieu of complaint, both dated August 13, 2025 (NYSCEF Doc. Nos. 01 and 02); a memorandum of law in support of plaintiff's motion for summary judgment in lieu of complaint (NYSCEF Doc. No. 03); the affirmation of David J. Abrams, Esq., counsel of record, dated August 13, 2025 (NYSCEF Doc. No. 04); the California judgment

¹ CPLR § 4540 (c), which governs authentication of an official record of a court or government office in the United States, provides, "[w]here the copy is attested by an officer of another jurisdiction, it shall be accompanied by a certificate that such officer has legal custody of the record, and that his signature is believed to be genuine, which certificate shall be made by a judge of a court of record of the district or political subdivision in which the record is kept, with the seal of the court affixed; or by any public officer having a seal of office and having official duties in that district or political subdivision with respect to the subject matter of the record, with the seal of his office affixed."

(NYSCEF Doc. No. 04); and affidavits of service, demonstrating that service was effectuated upon defendant PEARLE 88 INC DBA MEME AMERICA on August 26, 2025 (NYSCEF Doc. No. 07) and MEME WORLDWIDE INC. on September 12, 2025 (NYSCEF Doc. No. 08).²

Despite proper service of process, defendants fail to appear or submit opposition to plaintiff's motion (seq. no. 01).

Plaintiff has failed to demonstrate its entitlement to summary judgment in lieu of complaint against defendants. Although plaintiff submits proof of the instrument for the payment of money only -- the California judgment -- it fails to demonstrate defendants' nonpayment of such. The affidavit of plaintiff's attorney is insufficient to establish that the California judgment remains unpaid, in whole or in part (see, e.g., Beltre v Babu, 32 AD3d 722, 723 [1st Dept 2006]; AB Commercial Real Estate Debt-B2 S.A. R.L. v Holtzman, 236 AD3d 506 [1st Dept 2025] [holding that plaintiff established its entitlement to summary judgment in lieu of complaint by submitting, among other things, "an affidavit from one of plaintiff's vice-presidents attesting to the payments made"]).

² On April 03, 2026, plaintiff submitted a letter to the Court requesting that the Court "take no action with respect to defendant DONGMING PAN", as plaintiff "has been unable to locate and effect service on Mr. Pan" (NYSCEF Doc. No. 12, correspondence to Court, dated April 03, 2026).

Accordingly, it is hereby

ORDERED that plaintiff's ITRIA VENTURES LLC motion (sequence number 01) for summary judgment in lieu of complaint is denied, without prejudice; it is further

ORDERED that plaintiff shall serve a copy of this order, with notice of entry, upon defendants via first-class mail at their last known address; it is further

ORDERED that plaintiff shall bring a renewed motion, supported by appropriate documentation, within 90 days; and it is further

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

THIS CONSTITUTES THE DECISION AND ORDER OF THE COURT.

4/6/2026
DATE


EMILY MORALES-MINERVA, J.S.C.

CHECK ONE:	<input type="checkbox"/> CASE DISPOSED	<input checked="" type="checkbox"/> DENIED	<input checked="" type="checkbox"/> NON-FINAL DISPOSITION	<input type="checkbox"/> OTHER
APPLICATION:	<input type="checkbox"/> GRANTED		<input type="checkbox"/> GRANTED IN PART	
CHECK IF APPROPRIATE:	<input type="checkbox"/> SETTLE ORDER		<input type="checkbox"/> SUBMIT ORDER	
	<input type="checkbox"/> INCLUDES TRANSFER/REASSIGN		<input type="checkbox"/> FIDUCIARY APPOINTMENT	<input type="checkbox"/> REFERENCE