

**Commissioners of State Ins. Fund v Tri-State Auto.
Corp.**

2026 NY Slip Op 31436(U)

March 31, 2026

Supreme Court, New York County

Docket Number: Index No. 452769/2024

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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COMMISSIONERS OF STATE INSURANCE FUND	INDEX NO.	<u>452769/2024</u>
Plaintiff,	MOTION DATE	<u>11/25/2025</u>
- v -	MOTION SEQ. NO.	<u>001</u>
TRI-STATE AUTOMOTIVE CORP.,		
Defendant.		

**DECISION + ORDER ON
MOTION**

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The following e-filed documents, listed by NYSCEF document number (Motion 001) 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18
were read on this motion to/for JUDGMENT - DEFAULT.

APPEARANCES:

Maidenbaum & Associates P.L.L.C, Merrick, NY (Jeffrey A. Maidenbaum, Esq., of counsel), for plaintiff.

EMILY MORALES-MINERVA, J.S.C.

In this breach of contract and account stated action to recover unpaid insurance premiums, plaintiff COMMISSIONERS OF STATE INSURANCE FUND (plaintiff) moves, pursuant to CPLR § 3215, for an order granting it leave to enter a default judgment against defendant TRI-STATE AUTOMOTIVE CORP. (defendant) in the sum of \$6,247.42, together with statutory interest from April 09, 2023, costs, and disbursements.

Defendant does not appear or submit opposition to the motion (sequence number 01).

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, plaintiff demonstrates its entitlement to entry of a default judgment against defendant by submitting, among other things, the affirmation of service (NYSCEF Doc. No. 03); the affirmation of additional mailing (NYSCEF Doc. No. 15); an attorney affidavit (NYSCEF Doc. No. 06); the affidavit of Kristina Nowak, a credit and collection manager of the plaintiff (NYSCEF Doc. No. 07); the application for insurance (NYSCEF Doc. No. 08); the policy jacket (NYSCEF Doc. No. 09); the notice of cancellation (NYSCEF Doc. No. 10); the audit information pages

and final earned premium bills (NYSCEF Doc. No. 11); the final statement of account (NYSCEF Doc. No. 12); and final invoice with collection costs (NYSCEF Doc. No. 13) (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 plaintiff's motion (seq. no. 01) for a default judgment is granted; it is further

ORDERED that the Clerk of Court is directed to enter judgment in favor of plaintiff COMMISSIONERS OF STATE INSURANCE FUND and against defendant TRI-STATE AUTOMOTIVE CORP. in the sum of \$6,247.42, together with statutory interest from April 09, 2023, costs, and disbursements; it is further

ORDERED that, within twenty days from the date of this decision and order, plaintiff 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.

3/31/2026

DATE

EMM/EC

EMILY MORALES-MINERVA, J.S.C.

CHECK ONE:

CASE DISPOSED

NON-FINAL DISPOSITION

GRANTED DENIED

GRANTED IN PART OTHER

APPLICATION: SETTLE ORDER

SUBMIT ORDER

CHECK IF APPROPRIATE: INCLUDES TRANSFER/REASSIGN

FIDUCIARY APPOINTMENT

REFERENCE