

**Joe Sunshine Trading LLC v Aimtron Co., Ltd.**

2026 NY Slip Op 31512(U)

April 6, 2026

Supreme Court, New York County

Docket Number: Index No. 154702/2025

Judge: Leslie A. Stroth

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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. LESLIE A. STROTH PART 12M**

*Justice*

-----X  
INDEX NO. 154702/2025  
JOE SUNSHINE TRADING LLC,  
Plaintiff, MOTION DATE 05/20/2025,  
06/28/2025  
- v - MOTION SEQ. NO. 003 004

AIMTRON CO., LIMITED, LANCO APPAREL LLC, E-LO  
SPORTSWEAR LLC

**DECISION + ORDER ON  
MOTION**

Defendant.

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The following e-filed documents, listed by NYSCEF document number (Motion 003) 57, 63, 69, 70, 71, 72, 75, 76, 77

were read on this motion to/for TURNOVER PROCEEDING.

The following e-filed documents, listed by NYSCEF document number (Motion 004) 80, 81, 82, 83, 84, 85, 86, 87, 88

were read on this motion to/for EXTEND - TIME.

**FACTUAL AND PROCEDURAL BACKGROUND**

This turnover proceeding, brought pursuant to CPLR 5225(b) and 5227, arises from a judgment obtained by petitioner Joe Sunshine Trading LLC (“Petitioner”) on June 4, 2024 in the sum of \$247,160.33 against New Wave Fashion Inc. (“New Wave”) and Glory Victory Trading Limited (“Glory Victory”) (together, the “Judgment Debtors”) in the United States District Court for the Southern District of New York (the “Judgment”) (NYSCEF Doc. No. 2).

On April 7, 2025, Petitioner filed the instant special proceeding, pursuant to CPLR 5225(b) and 5227, alleging that respondents Aimtron Co. Limited (“Aimtron”), Lanco Apparel LLC (“Lanco”), and E-Lo Sportswear LLC (“E-Lo”) (collectively, “Respondents”) possessed, or had wrongfully received, assets belonging to the Judgment Debtors. Specifically, Petitioner alleges that the Judgment Debtors “swapped out” their own invoices that were issued to Lanco

and E-Lo with invoices directing that payment be made to Aimtron. Petitioner asserts that Aimtron received approximately \$161,174.50 from invoices that were originally intended for New Wave and \$89,395.50 from invoices that were originally intended for Glory Victory.

On April 30, 2025, this Court granted Petitioner's application for an order of attachment in the sum of \$279,163.50 (NYSCEF Doc. No. 41) on default. By order dated December 11, 2025, this Court vacated the order of attachment, finding that petitioner had not demonstrated the need to continue the levy, and that "the evidentiary showing required to demonstrate that Aimtron received property of the Judgment Debtors has not been made" (NYSCEF Doc. No. 107).

In the instant motion (motion sequence 003), petitioner files an amended notice of petition, seeking the same relief as the initial petition (NYSCEF Doc. No. 57). In the first cause of action, Petitioner seeks a judgment setting aside and declaring void or voidable New Wave Invoices allegedly transferred to Aimtron NW-20221026V, in the amount of \$106,562.00, and NW-20221104V, in the amount of \$54,612.50, and awarding a money judgment against Aimtron in these amounts. In the second cause of action, Petitioner seeks a judgment setting aside or declaring void or voidable Glory Victory Invoices allegedly transferred to Aimtron and awarding a money judgment in the amount of \$89,395.50. In the third cause of action, Petitioner seeks the same order of attachment which, as discussed above, this Court previously granted and subsequently vacated (*see* NYSCEF Doc. Nos. 41, 107).

Respondent Aimtron filed an Answer to the petition (NYSCEF Doc. No. 45) and submitted an affirmation in opposition to the petition, denying the allegations in the petition, arguing that the Court does not have jurisdiction over Aimtron<sup>1</sup>, and asserting the Respondents

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<sup>1</sup> Though Aimtron argues in its opposition to the petition that the Court lacks jurisdiction, it did not move to dismiss the petition.

are not in possession of any asserts or property belonging to the Judgment Debtors (NYSCEF Doc. No 63).

Additionally, in motion sequence 004, petitioner moves to extend time to effectuate service of its petition on Aimtron.

### LEGAL STANDARD

CPLR 5227 provides that:

Upon a special proceeding commenced by the judgment creditor, against any person who it is shown is or will become indebted to the judgment debtor, the court may require such person to pay the judgment creditor the debt upon maturity, or so much of it as is sufficient to satisfy the judgment, and to execute and deliver any document necessary to effect payment; or it may direct that a judgment be entered against such person in favor of the judgment creditor . . .

CPLR 5225(b) provides that:

Upon a special proceeding commenced by the judgment creditor, against a person in possession or custody of money or other personal property in which the judgment debtor has an interest, or against a person is a transferee of money or other personal property from the judgment debtor, where it is shown that the judgment debtor is entitled to the possession of such property or that the judgment creditor's rights to the property are superior to those of the transferee, the court shall require such person to pay the money, or so much of it as is sufficient to satisfy the judgment, to the judgment creditor . . .

Where an asset is in possession of a third party, and not a judgment debtor, "a judgment creditor must first establish that the judgment debtor has an interest in the property held by the third party, and then must demonstrate either that the judgment debtor is entitled to possess the property or that the judgment creditor has a right to the property superior to that of the party who possesses it" (CPLR 5225[b]; *MRI Enterprises, Inc. Hausknecht*, 143 AD3d 1078, 1080 [2d Dept 2016]).

### DISCUSSION

Here, Petitioner has failed to establish that the Judgment Debtors have in interest in property held by Respondents. In support of its allegations, Petitioner includes the declaration of

Michael Baker, Lanco's Director of Compliance (the "Baker Declaration"), from the federal lawsuit, along with accompanying emails and financial documents (NYSCEF Doc Nos. 11-21). Petitioner also include "Master Sheets", which are Lanco's invoices due to Aimtron from July 25, 2024 to January 29, 2025, showing that Lanco owes Aimtron over \$2,000,000.

However, this evidence does not show that Respondents have an interest in the \$106,562.00 and \$54,612.50 that was paid for invoices NW-20221026V and NW-20221104V. Though Petitioner asserts that these invoices were paid to Aimtron, the records provided show that they were actually paid to Glory Victory, one of the Judgment Debtors (*see* NYSCEF Doc. Nos. 11, 14). Additionally, Petitioner alleges that Aimtron received \$89,395.50 from invoices that were originally due to Glory Victory but were swapped for Aimtron invoices. However, Petitioner has failed to present any documentary evidence showing that these invoices were originally owed to Glory Victory. Nor has Petitioner presented any evidence showing that any of the invoices from the "Master Sheets" are owed, or were originally owed, to the Judgment Debtors. Therefore, Petitioner has failed to demonstrate that Respondents are in possession of property belonging to the Judgment Debtors and the petition is denied.

Accordingly, it is hereby

ORDERED and ADJUDGED that the petition is denied and this proceeding is dismissed; and it is further

ORDERED that motion sequence 004 for additional time to serve Aimtron is denied as moot; and it is further

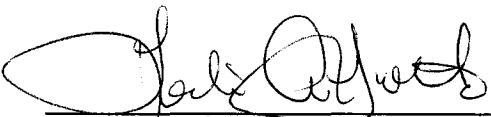
ORDERED that petitioner shall serve a copy of this order, with notice of entry, on respondents as well as on the Clerk of the Court (60 Centre St., Room 141B) and the Clerk of the General Clerk's Office (60 Centre St., Room 119) within ten days from entry; and it is further

ORDERED that the Clerk of Court is directed to enter judgment accordingly, and it is further;

ORDERED that such service upon the Clerk of the General Clerk’s Office shall be made in accordance with the procedures set forth in the Protocol on Courthouse and County Clerk Procedures for Electronically Filed Cases (accessible at the “E-Filing” page on the court’s website at the address [www.nycourts.gov/supctmanh](http://www.nycourts.gov/supctmanh)).

This constitutes the decision and order of the Court.

4/6/2026  
DATE

  
LESLIE A. STROTH, J.S.C.

CHECK ONE:  CASE DISPOSED  GRANTED  DENIED  NON-FINAL DISPOSITION  OTHER

APPLICATION:  SETTLE ORDER  SUBMIT ORDER

CHECK IF APPROPRIATE:  INCLUDES TRANSFER/REASSIGN  FIDUCIARY APPOINTMENT  REFERENCE