

**Commissioners of State Ins. Fund v Waterfront &
Mar. Constr. & Consulting Corp.**

2026 NY Slip Op 31556(U)

April 14, 2026

Supreme Court, New York County

Docket Number: Index No. 451089/2025

Judge: Emily Morales-Minerva

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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. 451089/2025

Plaintiff,

MOTION DATE 12/23/2025

- v -

WATERFRONT AND MARINA CONSTRUCTION &
CONSULTING CORP,

MOTION SEQ. NO. 001

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, of counsel), for plaintiff

EMILY MORALES-MINERVA, J.S.C.

In this action, 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 WATERFRONT AND MARINA CONSTRUCTION & CONSULTING CORP.

(defendant) in the sum of \$ 30,025.01, plus statutory interest from January 19, 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 Michelle Walker, Receivables Management Supervisor of plaintiff (NYSCEF Doc. No. 07); the application for insurance (NYSCEF Doc. No. 08); the policy jacket (NYSCEF Doc. No. 09); the cancellation notice (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 the 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 and against defendant WATERFRONT AND MARINA CONSTRUCTION & CONSULTING CORP. in the sum of \$ 30,025.01, plus statutory interest from January 19, 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.

4/14/2026

DATE

Emily Morales-Minerva
EMILY MORALES-MINERVA, J.S.C.

CHECK ONE:

CASE DISPOSED

GRANTED

SETTLE ORDER

INCLUDES TRANSFER/REASSIGN

DENIED

NON-FINAL DISPOSITION

GRANTED IN PART

SUBMIT ORDER

FIDUCIARY APPOINTMENT

OTHER

REFERENCE

APPLICATION:

CHECK IF APPROPRIATE: