

Avon Care Inc. v Beause Inc.

2026 NY Slip Op 31673(U)

April 13, 2026

Supreme Court, New York County

Docket Number: Index No. 650872/2024

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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AVON CARE INC.,	INDEX NO. <u>650872/2024</u>
Plaintiff,	MOTION DATE <u>12/12/2025</u>
- v -	MOTION SEQ. NO. <u>001</u>
BEAUSE INC., TOUKA KOU	
Defendants.	

**DECISION + ORDER ON
MOTION**

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HON. EMILY MORALES-MINERVA:

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

APPEARANCES:

Law Office of Victor Tsai, Flushing, NY (Victor M. Tsai, Esq.,
of counsel), for plaintiff.

EMILY MORALES-MINERVA, J.S.C.

In this account stated action, plaintiff AVON CARE INC.
d/b/a HUNTER ROLLING FASHION INC. (plaintiff) moves, pursuant to
CPLR § 3215, for an order granting it leave to enter a default
judgment against defendant BEAUSE INC. d/b/a ELI FASHION INC. in
the amount of \$181,836.00, together with statutory interest from
June 20, 2023, costs and disbursements.¹

¹ Plaintiff does not more for an order granting it leave to enter a default
judgment against defendant TOUKA KOU.
650872/2024 AVON CARE INC. vs. BEAUSE INC. ET AL
Motion No. 001 Page 1 of 4

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 affidavit of service (NYSCEF Doc. Nos. 02 and 03); the affirmations of additional mailing (NYSCEF Doc. Nos. 10 and 11); an attorney affidavit (NYSCEF Doc. No. 05); the affidavit of Paul Chen, manager of plaintiff (NYSCEF Doc. No. 06); the statement of account (NYSCEF Doc. No. 13); and numerous Bank of

America bank statements, demonstrating defendant's partial payments to plaintiff (see id.) (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]; Stardom Brands, LLC v S.K.I. Wholesale Beer Corp., 172 AD3d 1266, 1268 [2d Dept 2019]).

Accordingly, it is hereby

ORDERED that plaintiff's motion (seq. no. 01) for a default judgment is granted; it is further

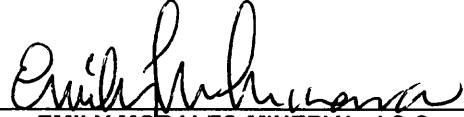
ORDERED that the Clerk of Court is directed to enter judgment in favor of plaintiff AVON CARE INC. d/b/a HUNTER ROLLING FASHION INC. and against defendant BEAUSE INC. d/b/a ELI FASHION INC. in the sum of \$181,836.00, together with statutory interest from June 20, 2023, costs and disbursements; it is 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.

4/13/2026

DATE



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