

<b>PIRS Capital, LLC v Airport Collision Ctr., Inc.</b>
2026 NY Slip Op 31885(U)
April 29, 2026
Supreme Court, New York County
Docket Number: Index No. 659134/2024
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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PIRS CAPITAL, LLC,

Plaintiff,

- v -

AIRPORT COLLISION CENTER, INC. d/b/a COLEMAN'S  
AIRPORT COLLISION, and RUFUS T. ANDREWS III a/k/a  
RUFUS T. ANDREWS a/k/a RUFUS ANDREWS

Defendants.

INDEX NO. 659134/2024

MOTION DATE 08/25/2025

MOTION SEQ. NO. 001

**DECISION + ORDER ON  
MOTION**

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The following e-filed documents, listed by NYSCEF document number (Motion 001) 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31

were read on this motion to/for

JUDGMENT - DEFAULT

APPEARANCES:

Foster & Wolkind, P.C., New York, NY (Bryan E. Wolkind, Esq.),  
for plaintiff.

EMILY MORALES-MINERVA, J.S.C.

In this action for breach of two merchant agreements and related personal guaranties, plaintiff PIRS CAPITAL, LLC (plaintiff) moves, pursuant to CPLR § 3215, for an order granting it leave to enter a default judgment against defendants AIRPORT COLLISION CENTER, INC. d/b/a COLEMAN'S AIRPORT COLLISION, and RUFUS T. ANDREWS III a/k/a RUFUS T. ANDREWS a/k/a RUFUS ANDREWS (defendants) in the amount of \$77,250.00, together with interest from November 3, 2023, and in the amount of \$33,965.60, together with interest from November 3, 2023.

Defendants do 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 defendants by submitting, among other things, the affirmation of service (see NYSCEF Doc. Nos. 21; see also Alfred E. Mann Living Trust v ETIRC Aviation S.A.R.L., 78 AD3d 137, 139 [1st Dept 2010] ["[P]arties to a contract are free to contractually waive service of process"]); the affirmation of additional mailing (see NYSCEF Doc. No. 28); proof of the

underlying facts constituting the claim (NYSCEF Doc. No. 19); and proof of default (NYSCEF Doc. No. 17) (see CPLR § 3215 [f]). Plaintiff also provides proof of defendant RUFUS T. ANDREWS III a/k/a RUFUS T. ANDREWS a/k/a RUFUS ANDREWS's non-military status (see NYSCEF Doc. No. 29).

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 PIRS CAPITAL, LLC and against defendants AIRPORT COLLISION CENTER, INC. d/b/a COLEMAN'S AIRPORT COLLISION, and RUFUS T. ANDREWS III a/k/a RUFUS T. ANDREWS a/k/a RUFUS ANDREWS, jointly and severally, in the amount of \$111,214.60, with interest at the statutory rate from November 3, 2023, together with 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 defendants, 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.

4/29/2026

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