

<b>TD Bank, N.A. v MediSpa W Inc.</b>
2026 NY Slip Op 31942(U)
May 4, 2026
Supreme Court, New York County
Docket Number: Index No. 653986/2024
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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TD BANK, N.A.,

Plaintiff,

- v -

MEDISPA W INC.,TAE W. KIM

Defendants.

INDEX NO. 653986/2024

MOTION DATE 10/01/2025

MOTION SEQ. NO. 001

**DECISION + ORDER ON  
MOTION**

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The following e-filed documents, listed by NYSCEF document number (Motion 001) 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26

were read on this motion to/for JUDGMENT - DEFAULT

APPEARANCES:

Meyner and Landis LLP, Newark, NJ (Matthew Patrick Dolan, Esq. of counsel), for plaintiff.

EMILY MORALES-MINERVA, J.S.C.

In this action, plaintiff TD BANK, N.A. (plaintiff) moves, pursuant to CPLR § 3215, for an order granting it leave to enter a default judgment against defendants MEDISPA W INC. and TAE W. KIM in the amount of \$100,948.88, together with statutory interest from March 28, 2025, costs and disbursements.

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" (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 [1<sup>st</sup> Dept 2021]; Feffer v Malpeso, 210 AD2d 60 [1<sup>st</sup> Dept 1994]).

Here, plaintiff demonstrates its entitlement to entry of a default judgment against defendants by submitting, among other things, the affidavits of service (NYSCEF Doc. Nos. 03 and 04); the affirmation of additional mailing (NYSCEF Doc. No. 05); proof of the underlying facts constituting the claim (NYSCEF Doc. Nos. 08; 14-15); the promissory note (NYSCEF Doc. No. 09); the business loan agreement (NYSCEF Doc. No. 10); the guaranty (NYSCEF Doc. No. 11); the commercial security agreement (NYSCEF Doc. No. 12); proof of default (NYSCEF Doc. No. 18); and proof of defendant TAE W. KIM's non-military status (NYSCEF Doc. No. 24) (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]).

Lastly, plaintiff seeks its reasonable attorneys' fees incurred in this action, as provided for in both the promissory note and guaranty (see NYSCEF Doc. Nos. 09 and 11). Though plaintiff has shown that it is entitled to such, the court shall direct a hearing to determine said amount.

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 TD BANK, N.A. and against defendants MEDISPA W INC. and TAE W. KIM, jointly and severally, in the amount of \$100,948.88, together with statutory interest from March 28, 2025, costs and disbursements; it is further

ORDERED that, within fifteen 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; it is further

ORDERED that the issue of the amount of reasonable attorneys' fees that plaintiff may recover against defendants is referred to a Special Referee to hear and determine; it is further

ORDERED that plaintiff shall, within 30 days from the date of this order, serve a copy of this order with notice of entry, together with a completed Information Sheet, upon the Special Referee Clerk in the General Clerk's Office (Room 119), who is directed to place this matter on the calendar of the Special Referee's Part for the earliest convenient date; and it is further

ORDERED that such service upon the Special Referee Clerk 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)); and it is further


ORDERED that the Clerk of Court shall mark the file accordingly.

5/4/2026  
DATE

CHECK ONE:  CASE DISPOSED  DENIED  NON-FINAL DISPOSITION

APPLICATION:  GRANTED  SETTLE ORDER  SUBMIT ORDER  OTHER

CHECK IF APPROPRIATE:  INCLUDES TRANSFER/REASSIGN  FIDUCIARY APPOINTMENT  REFERENCE

  
EMILY MORALES-MINERVA, J.S.C.