

SCA

INDEX  
NO. 3828-01

SUPREME COURT - STATE OF NEW YORK  
IAS TERM, PART 25 NASSAU COUNTY

PRESENT:

**HONORABLE LEONARD B. AUSTIN**

Justice

Motion R/D: 7-12-01  
Submission Date: 7-12-01  
Motion Sequence No.: 001/MOT D

\_\_\_\_\_  
SAN-PRO, INC.,

Plaintiff,

**COUNSEL FOR PLAINTIFF**  
Kreinik, Aaron & Gersh, LLP  
450 Lexington Avenue  
New York, New York 10017

- against -

KURT CASTRO,

Defendant.

**COUNSEL FOR DEFENDANT**  
Kurt Castro *Pro Se*  
18 Lion Lane  
Westbury, New York 11590

\_\_\_\_\_x

The following unopposed papers were read on Plaintiff's motion for judgment on default:

Notice of Motion;  
Affidavit of Mitchell K. Aaron, Esq., sworn to June 29, 2001, and supporting papers.

This action was commenced to recover \$76,030.00 allegedly due and owing Plaintiff by Defendant as appears by the affidavit of service. The Summons and Complaint were served upon Defendant pursuant to CPLR 308 (2), by delivery to, Linda Castro, a person of suitable age and discretion, and by mailing a copy of the Summons and Complaint to Defendant at his last known address. Plaintiff has failed to provide the Court with proof that the affidavit of service was filed with the Clerk of the Court in

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compliance with CPLR 308 (2). Accordingly, it is,

**ORDERED**, that Plaintiff's motion is **denied** without prejudice to a further application upon proper papers.

This constitutes the decision and Order of the Court.

Dated: Mineola, NY  
September 5, 2001



Hon. LEONARD B. AUSTIN, J.S.C.

**ENTERED**

**SEP 12 2001**

**NASSAU COUNTY  
COUNTY CLERK'S OFFICE**