

SCAN

SHORT FORM ORDER

SUPREME COURT - STATE OF NEW YORK

Present:

HON. ROY S. MAHON

Justice

LONG ISLAND LOCKSMITH & ALARM CO., INC.,

TRIAL/IAS PART 15

INDEX NO. 3070/05

Plaintiff(s),

MOTION SEQUENCE  
NO. 1

- against -

A. VALERIO BUILDING CONSULTANTS, INC.,  
990 DEER PARK AVENUE ASSOCIATES, LLC.,  
STRUCTURE INSPECTION CO., and ANTHONY  
VALERIO,

MOTION SUBMISSION  
DATE: June 27, 2005

Defendant(s).

The following papers read on this motion:

Notice of Motion	X
Reply Affirmation	X

Upon the foregoing papers, the motion by plaintiff for an Order granting the entry of a default judgment, or in the alternative summary judgment in favor of the Plaintiff, and awarding the Plaintiff the costs and disbursements incurred herein, is determined as hereinafter provided:

In opposition to the relief, and upon review of the respective submissions, the defendants have not offered a reasonable excuse for their failure to provide an answer nor articulated the basis of the defendants' "numerous defenses" asserted by the defendant Anthony Valerio in said defendants' affidavit in opposition. The Court further notes the plaintiff's counsel's reply affirmation sets forth that subsequent to the unfortunate death of the defendant's proposed attorney Anthony Valerio's wife, that said defendant advised that the plaintiff would be "hearing from" the defendants' new counsel, no answer has been served. As such, that portion of the plaintiff's application which seeks an Order granting the entry of a default judgment, is granted.

This matter is referred to the Calendar Control Part (CCP), for a hearing on the issue of damages to be held on October 18, 2005. The petitioner shall file and serve a Note of Issue, together with a copy of this Order, on all parties and shall serve copies of same, together with receipt of payment, upon the Calendar Clerk of this Court within twenty (20) days of the date of this Order. The directive with respect to a hearing is subject to the right of the Justice presiding in CCP II to refer the matter to a Justice, Judicial

Hearing Officer, or a Court Attorney/Referee, as he or she deems appropriate.

SO ORDERED.

DATED:

*8/12/2005-*

*Roy S. Mahan*  
.....  
J.S.C.

ENTERED

AUG 17 2005

INDIAN COUNTY  
COUNTY CLERK'S OFFICE