

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NASSAU**

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RAYMOND PENSABENE and
CHRISTINE PENSABENE,

Plaintiffs,

-against-

JOSHUA GLASNER, an infant over the age of fourteen by his Parent and Natural Guardian, PATRICIA GLASNER, in place of PAUL GLASNER, a deceased person, MIKE TSOUKATOS, an infant over the age of fourteen by his Parent and Natural Guardian, GEORGE TSOUKATOS, and MIKE BANTEL, an infant over the age of fourteen by his Parent and Natural Gaurdian, DEBRA BANTEL

Defendants.

**MICHELE M. WOODARD,
J.S.C.
TRIAL/IAS Part 24
Index No.: 12681/03
Motion Seq. Nos.: 02 & 03
DECISION & ORDER**

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Papers Read on this Motion:

Plaintiff's Notice of Motion	02
Defendant's Notice of Motion	03

The plaintiffs move by Notice of Motion for an Order pursuant to CPLR §3215 for a default judgement against Defendant MIKE BANTEL, an infant over the age of fourteen by his parent and Natural Guardian, DEBRA BANTEL, on the issue of liability and setting the matter down for an inquest as to damages, and for an award of costs, disbursements and attorney's fees.

The defendant, JOSHUA GLASNER, an infant over the age of fourteen by his Parent and Natural Guardian, PATRICIA GLASNER, in place of PAUL GLASNER, a deceased person, moves by Notice of Motion for a default judgement on their cross-claims against defendants, MIKE BANTEL, an infant over the age of fourteen by his Parent and Natural Guardian, DEBRA BANTEL.

This action was commenced in August 2003 against Defendants JOSHUA GLASNER, PATRICIA GLASNER, COUNTY OF NASSAU and NASSAU COUNTY DEPARTMENT OF PARKS AND RECREATION. The plaintiff subsequently discontinued against Nassau County and Nassau County Department of Parks and Recreation and served a Second Amended Verified Complaint on MIKE TSOUKATOS, an infant over the age of fourteen, by his Parent and Natural Guardian, GEORGE TSOUKATOS. Pursuant to a "so ordered" stipulation dated April 28, 2005, a Supplemental Summons and Third Amended Complaint were served on MIKE BANTEL and upon DEBRA BANTEL.

On or about May 11, 2005, defendant JOSHUA GLASNER by PATRICIA GLASNER served a Verified Answer to the Third Amended Complaint, including cross claims for contribution and indemnification upon and against MIKE BANTEL by DEBRA BANTEL.

MIKE BANTEL and DEBRA BANTEL have not appeared or answered the within action nor has their time been extended to Answer or Appear. The plaintiffs have provided an Affidavit of Service indicating that their Notice of Motion was served on the Defendant on June 20, 2005. The GLASNER defendant has provided an Affidavit of Service indicating that his Notice of Motion was served on the BANTEL Defendants on July 22, 2005.

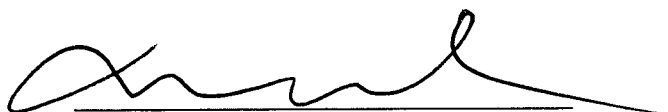
The Court has not received any opposition to the motions. As such, both the plaintiff's and the GLASNER defendant's applications are **granted**.

The inquest on damages against MIKE BANTEL and DEBRA BANTEL is held in abeyance until the time of the full trial of this matter.

This constitutes the **Decision** and Order of this Court.

DATED: December 8, 2005
Mineola, N.Y

ENTER:



HON. MICHELE M. WOODARD
J.S.C.

ENTERED

DEC 15 2005

**NASSAU COUNTY
COUNTY CLERK'S OFFICE**