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SHORT FORM ORDER
SUPREME COURT - STATE OF NEW YORK
Present: **HON. JOSEPH COVELLO**

Justice

OLIVER SHARPE and CUYONIE SHARPE,

Plaintiffs,

-against-

**WEST INDIAN-AMERICAN SOCIETY, INC.
and LEONARD GRANT,**

Defendants,

**TRIAL/IAS, PART 24
NASSAU COUNTY**

Index #: 012622/03

Motion Seq. No.: 001

Motion Date: 12/18/03

The following paper read on this motion:

Notice of Motion

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Upon the foregoing papers, the unopposed motion by plaintiffs, Oliver Sharpe and Cuyonie Sharpe, for an Order granting a Default Judgment against defendant, West Indian-American Society, Inc., and setting this matter down for an inquest to assess the amount of damages, is denied.

Plaintiffs have not provided proof, in admissible form, of the facts constituting the claim, as required pursuant to CPLR §3215 (f). No affidavit from a party setting forth the facts of this claim has been provided and the Complaint was not "verified" by counsel or either of the parties. The only verification provided is from a Guyonie Sharpe who is not one of the plaintiffs identified in the caption.

Moreover, the affidavit of service for this motion is defective, as it indicates that a cross-motion was served on defendant, West Indian-American Society, Inc., and not a motion. In addition, the Index number, or date of filing is not on either the Summons or Verified Complaint, as required pursuant to CPLR §305(a).

Therefore, it is hereby

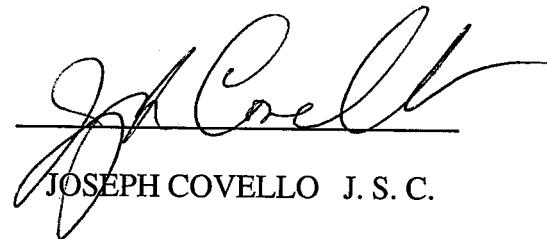
ORDERED, that the motion by plaintiffs, Oliver Sharpe and Cuyonie Sharpe, for an Order granting a Default Judgment against defendant, West Indian-American Society, Inc., and

Sharpe v. West Indian American

setting this matter down for an inquest to assess the amount of damages, is denied, with leave to renew upon proper papers.

This constitutes the decision and Order of the Court.

Dated: January 15, 2004



Joseph Covello
JOSEPH COVELLO J. S. C.

ENTERED

JAN 26 2004

**NASSAU COUNTY
COUNTY CLERK'S OFFICE**