

SCAN

SUPREME COURT - STATE OF NEW YORK

Present:

HON. DANIEL PALMIERI
Acting Justice Supreme Court

-----X
EAGLE INSURANCE COMPANY,

Plaintiff,

-against-

OKSANA MATRIKO, AALPIN TRANSPORTATION,
INC., LEONID AKLINDER, SERGEY YEGROV,
RULSAN TRETYAKOV, YULIY KOGAN,
VICTORIA KOGAN AND VADIM SHAPIRO,

Defendants.
-----X

TRIAL PART: 35

NASSAU COUNTY

INDEX NO: 018446/01

MOTION DATE: 5-13-02

MOTION SEQ. NOS: 01

The following papers having been read on this motion:

Notice of Motion, dated 4-22-02	1
Affirmation in Opposition, dated 6-06-02.....	2
Reply Affirmation, dated 6-26-02	3

Plaintiff's motion seeking a default judgment as to defendants Matriko, Aalpin Transportation, Inc., Aklinder, Yegrov and Tretyakov is granted. The motion as to defendants Yuliy Kogan, Victoria Kogan and Shapiro is denied.

Plaintiff concedes in its moving and reply papers that service was effected by mailing the summons and complaint to the attorney representing the opposing defendants in the underlying action commenced by them in Kings County under Index Number 11585-01.


Although CPLR § 312-a sets forth a mechanism for personal service by mail, there was a failure to comply with its requirements.

The request by counsel for the opposing defendants, incorrectly denominated as a cross-motion, for leave to serve a late answer is denied (i) as moot and (ii) because counsel has failed to comply with CPLR 2215.

This constitutes the Decision and Order of this Court.

ENTER

DATED: JULY 8, 2002


HON. DANIEL PALMIERI
Acting J.S.C.

TO: **STUART M. HERZ, ESQ.**
Attorneys for Plaintiff
400 Garden City Plaza
Garden City, NY 11530

LAW OFFICE OF STEPHEN M. COHEN
Attorneys for Defendants Yuliy Kogan Victoria Kogan and Shapiro
2001 Marcus Ave.,
Lake Success, NY 11042
ATT: **VILLARD S. BASTIEN, ESQ.**

OKSANA MATRIKO
Defendant *Pro-Se*
2730 W. 33rd St.
Brooklyn, NY 11224

AALPIN TRANSPORTATION, INC.
Defendant *Pro-Se*
c/o Secretary of State
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Brooklyn, NY 11235

LEONID AKLINDER
Defendant *Pro-Se*
2900 W. 8th St, Apt. 19E
Brooklyn, NY 11224

SERGEY YEGOROV
Defendant *Pro-Se*
3051 Ocean Ave, F8
Brooklyn, NY 11235

RUSLAN TRETYAKOV
Defendant *Pro-Se*
3051 Ocean Ave., F8
Brooklyn, NY 11235

ENTERED

JUL 10 2002
NASSAU COUNTY
COUNTY CLERKS OFFICE