

STATE OF NEW YORK
SUPREME COURT

COUNTY OF ALBANY

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STATE OF NEW YORK, WORKERS' COMPENSATION BOARD, in its capacity as the governmental agency charged with the administration of the Workers' Compensation Law and attendant regulations, and in its capacity as successor in interest to the SELECTIVE SAFETY TRUST,

Plaintiffs,

v.

158 KING STREET ASSOCIATES, LLC, *et al.*,

Defendants.

ORDER AND JUDGMENT

Index No.: 5933-16

RJI No.: 01-18-127245

Hon. L. Michael Mackey

WHEREAS, Plaintiff New York State Workers' Compensation Board ("Plaintiff") has moved for an Order pursuant to CLPR § 3215 for default judgment against various defendants based upon their respective failure to appear in this action, together with interest thereon at the State Finance Law rate of 6% and the costs of processing, collecting and handling the debt at the State Finance Law rate of 22%; severing the action against the defaulting defendants and granting the Plaintiff leave to proceed against the non-defaulting defendants; and discontinuing the instant action against certain settling defendants;

WHEREAS, the motion was returnable on April 6, 2018, and no opposition to the motion having been filed thereto;

NOW, upon due consideration of all the pleadings and proceedings in this matter and the Court having reviewed Plaintiff's motion, consisting of a Notice of Motion, dated February 9, 2018, and the supporting Affirmation of Todd C. Roberts, Esq., dated February 9, 2018, together with all supporting exhibits, including a copy of the Summons with Notice issued against the defendants and filed on October 7, 2016, the corresponding affidavits of service duly filed in the

Office of the Albany County Clerk, and proof that an additional copy of the Summons and Notice having been mailed to the defendants pursuant to CPLR § 3215(g); and the defendants having failed to appear or otherwise respond to the Summons with Notice and their time to do so not having been extended;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the instant action be severed in accordance with the provisions of CPLR § 3215(a) and that Plaintiff have leave to proceed with the discovery and trial of this action against the non-defaulting defendants;

AND IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Clerk of this Court is directed to enter judgment for the Plaintiff against the following defaulting defendants in the sums set forth below, together with the taxable costs and disbursements of this action:

- a) A & T Properties Inc. F/K/A A & A Worldwide Transportation, Inc. and Global Van Storage, Inc. — \$1,565,978.88
- b) AG & AV Sinagra, Inc. D/B/A AGS Moving, Deliveries & Storage — \$426,465.76
- c) Alexxp Corp D/B/A Service Minded — \$622,670.08
- d) American Corporate Record Center, Inc. — \$7,070,539.52
- e) American Storage & Transport Inc. — \$6,836,111.36
- f) Brooklyn Sugar Co., Inc. — \$7,083,398.40
- g) Powerhouse Logistics, Inc. — \$7,083,398.40
- h) Certified Installation Service, LLC — \$6,644,373.76
- i) Certified Van Service, Inc. — \$6,836,111.36
- j) Charles Ihrig & Son, Inc. — \$4,458,944.00
- k) County Van Lines, Inc. — \$2,297,318.40
- l) CTS Warehouse & Distribution Company, Inc. — \$2,297,318.40
- m) Empire Beef Co., Inc. — \$5,441,550.08

- n) Evidence Secure Inc. — \$2,304,518.40
- o) FTG Transport, Inc. — \$5,602,590.72
- p) Good and Fair Carting & Moving Co., Inc. — \$5,270,132.48
- q) Herberle Disposal Service, Inc. — \$7,569,570.56
- r) JBH Transport Inc. — \$925,196.80
- s) Jenna Concrete Corp. — \$439,024.64
- t) LCA Development, Inc. — \$1,148,321.28
- u) Metropolitan Warehouse, Inc. D/B/A Metropolitan Warehouse & Logistics — \$1,467,948.80
- v) Nova Cor, Ltd. — \$7,083,398.40
- w) Warehouse Logistics, Inc. — \$5,441,550.08
- x) Original Hall-Lan Moving & Storage Co., Inc. — \$7,083,398.40
- y) R.J. Valente Gravel, Inc. — \$499,031.04
- z) R.J. Valente Excavating, Inc. — \$499,031.04
- aa) R.J. Valente Industries, Inc. — \$499,031.04
- bb) Robin Apple Distributors, Inc. — \$4,778,880.00
- cc) Roselli Moving & Storage, Corp. — \$7,070,539.52
- dd) Runge Trucking Co., Inc. D/B/A Runge Moving & Storage Company — \$5,270,132.48
- ee) United Service of America, LLC — \$4,766,021.12
- ff) Thomas Sossei D/B/A William Sossei & Sons — \$194,737.60

AND IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the action be

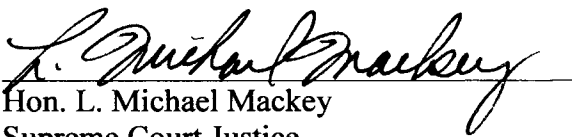
discontinued as against the following defendants:

- a) Axis Global Systems, LLC
- b) Chas. Wood & Son Moving, Inc.
- c) Century Worldwide Moving, Inc.
- d) Executive Moving Systems, Inc.
- e) Vermont Moving & Storage Corp.

- f) Despatch of Southampton Moving & Storage, Inc.
- g) BHS Corp. F/K/A Bridgehampton Storage Corp.
- h) Despatch Self Storage, Inc.
- i) Don's Moving & Storage, Inc.
- j) Dun Rite Careful, LLC
- k) Edward C. Lott, Inc.
- l) John Ferris Trucking, Inc.
- m) Office Bar, Inc.
- n) MSS Transportation Co., Inc.
- o) Terrell's Potato Chip Co., Inc.
- p) Watkins Street Live Poultry Market, Inc.
- q) Watkins Poultry Merchants of New York, Inc.
- r) Esposito & Sons Freight Lines, Inc.
- s) Williams Moving & Storage, Inc.

AND IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Plaintiff's motion is hereby granted as set forth above.

SO ORDERED:


Hon. L. Michael Mackey
Supreme Court Justice
May 29, 2018, at Albany, New York

ENTER.