

## SUPREME COURT OF THE STATE OF NEW YORK — NEW YORK COUNTY

PRESENT: MANUEL J. MENDEZPART 13*Justice*

AIG PROPERTY CASUALTY COMPANY f/k/a  
 CHARTIS PROPERTY CASUALTY COMPANY a/s/o  
 JOSEPH EDELMAN and PAMELA KELD,

Plaintiff

INDEX NO. 157701 /15MOTION DATE 11-03-2016

-Against-

PROPERTY MARKETS GROUP, INC., 823 PARK  
 AVENUE LLC, CONSENTINI ASSOCIATES, INC.,  
 BARRY RICE DESIGNS (ARCHITECT), PLLC,  
 BARRY RICE ARCHITECT P.C., MARTACK  
 CORPORATION d/b/a MARTACK HEATING & AIR  
 CONDITIONING, TETRA TECH ENGINEERS, ARCHITECTS  
 & LANDSCAPE ARCHITECTS, P.C., d/b/a CONSENTINI  
 ASSOCIATES, INC., AMERIBUILD CONSTRUCTION  
 MANAGEMENT, INC., WILLIAM J. KENNEDY PLUMBING,  
 INC., BMB CONTRACTING, INC., and BIG APPLE SHEETMETAL  
 CO., INC.,

MOTION SEQ. NO 006  
 MOTION CAL. NO

Defendant.

The following papers, numbered 1 to 2 were read on this motion and cross-motion /for Default  
judgment solely against defendants MARTACK CORPORATION d/b/a MARTACK HEATING & AIR  
CONDITIONING, AMERIBUILD CONSTRUCTION MANAGEMENT, INC., WILLIAM J. KENNEDY PLUMBING,  
INC., and BIG APPLE SHEETMETAL CO., INC.,

Notice of Motion/ Order to Show Cause — Affidavits — Exhibits ...

Answering Affidavits — Exhibits \_\_\_\_\_

Replying Affidavits \_\_\_\_\_

## PAPERS NUMBERED

1-2Cross-Motion: Yes ☒ No

Upon a reading of the foregoing cited papers, it is ordered that this motion for a default judgment solely against defendants MARTACK CORPORATION d/b/a MARTACK HEATING & AIR CONDITIONING, AMERIBUILD CONSTRUCTION MANAGEMENT, INC., WILLIAM J. KENNEDY PLUMBING, INC., and BIG APPLE SHEETMETAL CO., INC., is granted on default.

Plaintiff moves before this court for an order pursuant to CPLR 3215 for entry of judgment in favor of the plaintiff and against the defendants MARTACK CORPORATION d/b/a MARTACK HEATING & AIR CONDITIONING, AMERIBUILD CONSTRUCTION MANAGEMENT, INC., WILLIAM J. KENNEDY PLUMBING, INC., and BIG APPLE SHEETMETAL CO., INC., jointly and severally, in the amount of \$1,000,000.00 with interest from September 9, 2013. Plaintiff served the defendants with a copy of the summons and complaint, and amended Complaint. Plaintiff annexes to his moving

MOTION/CASE IS RESPECTFULLY REFERRED TO JUSTICE FOR THE FOLLOWING REASON(S):

affidavit from Maryanne Kehoe, Plaintiff's recovery specialist. Defendants have not appeared, answered or moved and are in default.

Accordingly it is ORDERED, that the motion is granted on default, and it is further

ORDERED that plaintiff is granted judgment on default against the non-answering defendants MARTACK CORPORATION d/b/a MARTACK HEATING & AIR CONDITIONING, AMERIBUILD CONSTRUCTION MANAGEMENT, INC., WILLIAM J. KENNEDY PLUMBING, INC., and BIG APPLE SHEETMETAL CO., INC., and it is further

ORDERED that The Clerk of Court is Ordered and Directed to enter judgment in favor of plaintiff and against the defendants MARTACK CORPORATION d/b/a MARTACK HEATING & AIR CONDITIONING, AMERIBUILD CONSTRUCTION MANAGEMENT, INC., WILLIAM J. KENNEDY PLUMBING, INC., and BIG APPLE SHEETMETAL CO., INC., jointly and severally, in the sum of \$1,000,000.00 with interest from September 9, 2013 in the sum of \$\_\_\_\_\_ plus costs and disbursements as taxed by the clerk in the sum of \$\_\_\_\_\_ for a total judgment in the sum of \$\_\_\_\_\_, and it is further

ORDERED that this matter is severed and continued as against the remaining defendants.

Enter:

MANUEL J. MENDEZ  
J.S.C.

Dated: November 22, 2016

Manuel J. Mendez  
J.S.C.

Check one: FINAL DISPOSITION X NON-FINAL DISPOSITION

Check if appropriate: ☐ DO NOT POST ☐ REFERENCE