

PRESENT: LEBOVITS
Justice

PART 7

CARIB, INC.

INDEX NO. 160918/16

A.J. INTERNATIONAL CONSTRUCTION, ETC.

MOTION DATE _____

MOTION SEQ. NO. 01

The following papers, numbered 1 to _____, were read on this motion to/for VACATE
Notice of Motion/Order to Show Cause — Affidavits — Exhibits NYSCEF DOCL# No(s). 42-56, 58-73
Answering Affidavits — Exhibits _____ No(s). _____
Replying Affidavits _____ No(s). _____

Upon the foregoing papers, it is ordered that this motion is granted without opposition.
Plaintiff filed a motion for default judgment and order to show cause to vacate mechanic's lien. Defendant did not file opposition.
Plaintiff, Carib, Inc. is awarded a default judgment in favor of plaintiff and against all defendants.
And it is further ORDERED, that the leave to vacate the mechanic's lien is granted, and granted as to any renewals and extensions.
ORDERED that on the first cause of action, breach of contract, motion is granted. No punitive damage will be awarded as the plaintiff failed to establish the requirement of punitive damages; and it is further
ORDERED that on the second cause of action, fraud for false representations and omissions that deceived Plaintiff into entering into an agreement the motion is denied; and it is further
ORDERED that leave to vacate the mechanic's lien is granted for the defect on the face of the lien as it is illustrated in the moving papers; and it is further
ORDERED that the case should be sent for an inquest for determination of damages; Plaintiff shall serve a copy of this order with notice of entry on defendants and on the County Clerk's office, which shall enter judgment accordingly. Plaintiff shall file a note of assent and serve it on the County Clerk, who upon such service shall enter judgment on the matter down for inquest to determine damages due to Plaintiff.

Dated: 11/1/17 HON. GERALD LEBOVITS J.S.C.

1. CHECK ONE: CASE DISPOSED NON-FINAL DISPOSITION
2. CHECK AS APPROPRIATE: MOTION IS: GRANTED DENIED GRANTED IN PART OTHER

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