

At an IAS Term, Part FRP-1, of the Supreme Court of the State of New York, held in and for the County of Kings, at the Courthouse, at 360 Adams Street, Brooklyn, New York, on the 9th day of March 2018.

P R E S E N T:

HON. NOACH DEAR,

J.S.C.

Index No.: 518810/16

_____ x

CITIBANK,

Plaintiff,

DECISION AND ORDER

-against-

TONY JACQUES et al,

Defendant,

_____ x

2018 APR -2 AM 9:29
KINGS COUNTY CLERK
FILED

Recitation, as required by CPLR §2219 (a), of the papers considered in the review of this

Motion:

Papers

Numbered

Motion

1

Opp

2

Reply

3

Upon the foregoing cited papers, the Decision/Order on this Motion is as follows:

Plaintiff moves for an order of reference. Defendant opposes, solely raising waived defenses.

"On a motion for leave to enter a default judgment pursuant to CPLR 3215, the movant is required to submit proof of service of the summons and complaint, proof of the facts constituting its claim, and proof of the defaulting party's default in answering or appearing. To avoid the entry of a default judgment, the defaulting party is required to demonstrate a reasonable excuse for its default and a potentially meritorious defense to the action" (*Atlantic Cas. Ins. Co. v RJNJ Servs., Inc.*, 89 AD3d 649, 651 [2d Dept 2011]). Plaintiff met its initial burden, producing an affidavit of default and the note and mortgage. Defendant failed to provide any excuse for his default.

Motion granted (see accompanying order).

ENTER:

Hon. Noach Dear, J.S.C.