

DISTRICT COURT OF THE COUNTY OF SUFFOLK, FIRST DISTRICT

P R E S E N T:

HON. STEPHEN L. UKEILEY

District Court Judge

-----x
SLOMIN'S INC.,

Plaintiff,

-against-

UMAR FAROQ,

Defendant.
-----x

Motion Date: November 18, 2025

Seq. 001

PLAINTIFF'S ATTORNEY:

Kirschenbaum & Kirschenbaum
200 Garden City Plaza
Suite 315
Garden City, New York 11530

DEFENDANT PRO SE:

Umar Faroq
406 American Blvd.
Brentwood, New York 11717

Upon the following papers numbered 1 to 4 read on this motion to vacate the default judgment; Order to show cause and supporting affidavit 1, 2; Other Affirmation in Opposition 3; Exhibits 4; it is,

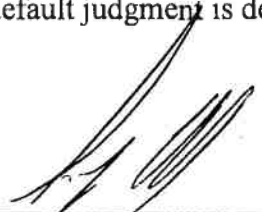
ORDERED that defendant's motion to vacate the default judgment is denied.

In order to vacate a default judgment, a defendant must establish a reasonable excuse for the default as well as the possibility of a meritorious defense (CPLR 5015[a][1]; *Schiavetta v. McKeon*, 190 AD2d 724). The defendant herein has failed to meet both requirements.

Defendant avers that he did not receive the summons while admitting service at his home on his brother. Defendant states that as a result of certain health issues, his brother didn't inform him of the papers. Additionally, he denies the additional mailing but no mail was returned to plaintiff's counsel or this court. "The affidavit of a process server generally constitutes prima facie proof of proper service" (see, *Bank, N.A. v Peralta*, 142 AD3d 988, 37 NYS3d 308[2016]). The prima facie showing by the process server is not rebutted herein. Additionally, based on the contract itself and no proof of the cancellation thereof, there is no meritorious defense presented.

Accordingly, defendant's motion to vacate the default judgment is denied.

Dated: Ronkonkoma, New York
November 19, 2025



HON. STEPHEN L. UKEILEY, J.D.C.

ENTERED

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