

SCAN

SHORT FORM ORDER  
SUPREME COURT - STATE OF NEW YORK

Present:

HON. ROBERT ROBERTO, JR.  
Justice

TRIAL/IAS PART 3  
NASSAU COUNTY

COUNTY OF NASSAU,

Plaintiff(s),

Index No. 4716/01

-against-

Motion Date: 5/1/02

JOHN PFISTER,

Cal. No.

SEQ. # 1

Defendant(s).

The following papers read on this motion 1

Application for Default Judgment.....X

Upon the foregoing papers it is ordered that the motion by the plaintiff for a default judgment and order is denied with leave to renew on proper papers.

The name of the defendant as it appears on the proof of ownership obtained from the Department of Motor Vehicles ("DMV"), as well as the name found in the Transcript of Record indicating the disposition of the criminal charges brought against the defendant, vary from the one found in the summons and complaint. The caption must be amended to reflect the correct name, and the judgment and order should contain a provision amending the summons and complaint nunc pro tunc. See, CPLR 3025(c). These changes must be made before a judgment and order that will permit transfer of title can be signed.

In view of the defendant's default in pleading and failure to respond to this application, and the fact that although the names vary the defendant's addresses on the documents named above do not (thereby eliminating any concern about notice of the action and of the present application), no additional service on the defendant will be required.

ENTERED

Date: May 3, 2002

MAY 06 2002

ROBERT ROBERTO, JR., J.S.C.

NASSAU COUNTY  
COUNTY CLERK'S OFFICE