

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: <u>5/18/2023</u>

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TRUSTEES OF THE NEW YORK CITY DISTRICT COUNCIL OF CARPENTERS PENSION FUND, WELFARE FUND, ANNUITY FUND, and APPRENTICESHIP, JOURNEYMAN RETRAINING, EDUCATIONAL AND INDUSTRY FUND, TRUSTEES OF THE NEW YORK CITY CARPENTERS RELIEF AND CHARITY FUND, and THE CARPENTER CONTRACTOR ALLIANCE OF METROPOLITAN NEW YORK,

Plaintiffs,

-against-

ANXI FLOOR SOLUTIONS INC. and C.M.D. FLOOR COVERING, INC,

Defendants.

22 CV 3631 (MKV)

DEFAULT JUDGMENT

The Complaint in this action was duly served on Defendant Anxi Floor Solutions Inc. on May 5, 2022, by serving Sue Zouky, an authorized person in the Corporation Division of the Department of State, as evidenced by the affidavit of service on file with the Court (ECF Doc. No. 8). On June 10, 2022, with said Defendant having failed to appear in this matter, the Clerk of the Court entered a Certificate of Default noting the default of Defendant Anxi Floor Solutions Inc. (ECF Doc. No. 14). The Complaint was duly served on Defendant C.M.D. Floor Covering, Inc. on December 7, 2022, by serving Amy Lesch, an authorized person in the Corporation Division of the Department of State, as evidenced by the affidavit of service on file with the Court (ECF Doc. No. 27). On January 5, 2023, with said Defendant having failed to appear in this matter, a certificate of default was issued as to Defendant C.M.D. Floor Covering, Inc. (ECF Doc. No. 34).

Accordingly, the Complaint in this action having been duly served on the above-named Defendants ANXI FLOOR SOLUTIONS INC. and C.M.D. FLOOR COVERING, INC., and said

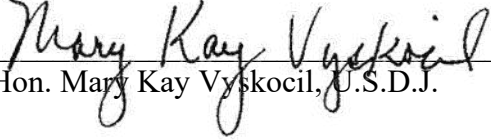
Defendants having failed to appear in this matter, and said default having been duly noted, and upon the annexed Declaration of Adrianna R Grancio, Esq. with corresponding exhibits, Declaration of William Davidian, with corresponding exhibits, and Memorandum of Law, the Statement of Damages, Proposed Order to Show Cause, and all pleadings and papers heretofore had herein;

NOW, on the motion of Virginia & Ambinder, LLP, attorneys for Plaintiffs, it is hereby:

ORDERED, ADJUDICATED, and DECREED that Plaintiffs, have judgment, jointly and severally, against ANXI FLOOR SOLUTIONS INC., with its principal place of business at 81-18 101 Avenue, Ozone Park, New York 11417 and C.M.D. FLOOR COVERING, INC., with its principal place of business at 81-18 101 Avenue, Ozone Park, New York 11417, as follows:

1. Declaring that C.M.D. Floor Covering, Inc. is the alter ego of Defendant Anxi Floor Solutions Inc. and/or that both Defendants constitute a single employer and that C.M.D. Floor Covering, Inc., is bound to the CBAs for the same period of time and to the same extent as Anxi Floor Solutions Inc, thus rendering Anxi Floor Solutions Inc., and C.M.D. Floor Covering, Inc., jointly and severally liable for each other's obligations arising under the CBAs (*See* Complaint ¶¶ 18-33);
2. Awarding a judgment in favor of Plaintiffs and against Defendants, jointly and severally, in the amount of \$196,473.70, representing: the principal deficiency contained in the Estimated 2018-2020 Audit of \$139,583.96, interest thereon through January 11, 2023 in the amount of \$28,972.95, and liquidated damages of \$27,916.79;
3. Awarding interest owed on the foregoing principal amounts from January 12, 2023 through the date of judgment;
4. Awarding a judgment in favor of Plaintiffs and against Defendants, jointly and severally, in the amount of \$10,562.39, representing all reasonable attorneys' fees and costs incurred in this action;
5. Ordering Defendant C.M.D. Floor Covering, Inc. to submit its books and records to the Funds for an audit covering May 4, 2016 through the present, within 30 days of the entry of the order for the purposes of determining whether C.M.D. Floor Covering, Inc., complied with its obligation to remit benefit contributions to the Funds;

6. Allowing the Funds 30 days from the completion of the audit of C.M.D. Floor Covering, Inc., to submit further evidence to the Court regarding damages identified as a result of the audit of C.M.D. Floor Covering, Inc's, books and records from May 4, 2016 through the present; and
7. Awarding the Funds post-judgment interest at the statutory rate.



Hon. Mary Kay Vyskocil, U.S.D.J.

This document was entered on the docket on
5/18/2023.