

COURT OF APPEALS OF THE STATE OF NEW YORK

Woodson v. Mendon Leasing Corp.

100 N.Y.2d 62, 790 N.E.2d 1156, 760 N.Y.S.2d 727 (2003) · Decided May 6, 2003

SUMMARY

The New York Court of Appeals held that the lower courts abused their discretion by vacating a default judgment against a truck driver in a personal injury action. The court concluded that the record did not establish fraud, misrepresentation, or misconduct under CPLR 5015(a)(3), and that the plaintiff's submissions sufficiently demonstrated a viable cause of action under CPLR 3215(f). The court reversed the Appellate Division, reinstated the default judgment, and answered the certified question in the negative.

CASE DETAILS

COURT	Court of Appeals of the State of New York
WRITING FOR THE COURT	Rosenblatt, J.; Smith, J.; Ciparick, J.; Wesley, J.; Graffeo, J.; Read, J.
JURISDICTION	New York
DECIDED	May 6, 2003
DISPOSITION	reversed
PROCEDURAL POSTURE	Plaintiff appealed from an Appellate Division order affirming Supreme Court's order vacating a default judgment against John Densby on the motion of nonparty insurer American Transit Insurance Company.
STANDARD OF REVIEW	A decision to vacate a default judgment is reviewed for abuse of discretion.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Zachary Woodson, an infant, by his mother and natural guardian, Tracy Woodson, et al. v. American Transit Insurance Company, nonparty respondent

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QUESTIONS PRESENTED

1. Whether Supreme Court abused its discretion by vacating the default judgment under CPLR 5015(a)(3) for alleged fraud, misrepresentation, or other misconduct.
2. Whether Supreme Court could properly vacate the judgment under its inherent discretionary power in the interests of substantial justice.
3. Whether plaintiff's submissions supporting the default judgment satisfied CPLR 3215(f).

HOLDINGS

1. The trial court abused its discretion in vacating the default judgment because the record did not support a finding that plaintiff procured the judgment through fraud, misrepresentation, or other misconduct.
2. Although courts retain inherent discretionary power to vacate their own judgments for sufficient reason and in the interests of substantial justice, exercising that power on the facts presented was an abuse of discretion.
3. Plaintiff's verified complaint, attorney affirmation, defendants' answers, and Densby's affidavit were legally sufficient to establish a viable cause of action and support the default judgment.

KEY QUOTATIONS

“In addition to the grounds set forth in section 5015 (a), a court may vacate its own judgment for sufficient reason and in the interests of substantial justice” (at 68)

“The record is clear that plaintiff had personal knowledge of her claim against defendants, even if she could not with absolute certainty ascribe to each defendant a particular level of fault.” (at 70)

“Given that in default proceedings the defendant has failed to appear and the plaintiff does not have the benefit of discovery, the affidavit or verified complaint need only allege enough facts to enable a court to determine that a viable cause of action exists” (at 71)

FACTUAL BACKGROUND

Four-year-old Zachary Woodson was injured after a livery cab collided with a truck driven by John Densby and then struck Zachary on a Manhattan sidewalk. Zachary's mother sued the drivers and the truck's owner; Densby failed to answer, and a default judgment exceeding \$4 million was entered against him after an inquest. The insurer later sought vacatur based on alleged inconsistencies between the mother's verified complaint and later deposition testimony concerning the precise circumstances of the accident.

PROCEDURAL HISTORY

After Densby failed to answer, Supreme Court entered a default judgment against him following a traverse hearing and later an inquest. The Appellate Division affirmed the judgment, but Supreme Court later granted American Transit Insurance Company's motion under CPLR 5015(a)(3) to vacate the judgment, and the Appellate Division affirmed that vacatur. The Court of Appeals reversed, answered the certified question in the negative, and reinstated the default judgment.

DISPOSITION

reversed

CASES CITED

- Siegel, Practice Commentaries, McKinney's Cons. Laws of N.Y., Book 7B, CPLR C5015:11, at 476-477 (1992)
- Ladd v. Stevenson, 112 N.Y. 325, 332 (1889)
- Eugene Di Lorenzo, Inc. v. A.C. Dutton Lbr. Co., 67 N.Y.2d 138, 143 (1986)
- Woodson v. Mendon Leasing Corp., 292 A.D.2d 159, 159 (1st Dep't 2002)
- Rokina Opt. Co. v. Camera King, 63 N.Y.2d 728, 730 (1984)
- Woodson v. Mendon Leasing Corp., 289 A.D.2d 158, 159 (1st Dep't 2001)
- Feffer v. Malpeso, 210 A.D.2d 60, 61 (1st Dep't 1994)
- Woodson v. Mendon Leasing Corp., 98 N.Y.2d 691 (2002)

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