

**SUPREME COURT OF THE STATE OF NEW YORK, APPELLATE DIVISION,
FIRST DEPARTMENT**

**Perez v. Norman's Cay Group LLC Doing Business as LAS' LAP et
al.**

2026 NY Slip Op 00222 (Supreme Court of the State of New York Appellate Division First Department 2026) ·
No. Index No. 151886/24; Appeal No. 5614; Case No. 2024-05643 · Decided January 15, 2026

OPINION

PER CURIAM.

Perez v Norman's Cay Group LLC (2026 NY Slip Op 00222) Perez v Norman's Cay Group LLC
2026 NY Slip Op 00222 Decided on January 15, 2026 Appellate Division, First Department
Published by New York State Law Reporting Bureau pursuant to Judiciary Law § 431. This
opinion is uncorrected and subject to revision before publication in the Official Reports. Decided
and Entered: January 15, 2026 Before: Kern, J.P., Scarpulla, Kapnick, Shulman, Hagler, JJ. Index
No. 151886/24|Appeal No. 5614|Case No. 2024-05643| [*1]Jaelis Perez, Plaintiff-Respondent, v
Norman's Cay Group LLC Doing Business as LAS' LAP et al. Defendants-Appellants.

The Landau Group, PC, New York (Kevin Landau of counsel), for appellants. Igbokwe PLLC,
New York (O. Williams Igbokwe of counsel), for respondent. Appeal from order, Supreme Court,
New York County (Suzanne J. Adams, J.), entered on or about July 23, 2024, which denied
defendants' motion to dismiss plaintiff's discrimination claims under the New York State Human
Rights Law (State HRL) and New York City Human Rights Law (City HRL), unanimously
dismissed, without costs, as taken from a nonappealable order.

"No appeal lies from an order entered upon default of the appealing party" (Forest Walnut LLC v
Abizker, 224 AD3d 408, 409 [1st Dept 2024]; see also Spallone v Spallone, 171 AD3d 527, 528
[1st Dept 2019], lv denied 33 NY3d 910 [2019]; 22 NYCRR 202.27[b]). Defendants moved to
dismiss plaintiff's discrimination claims but failed to appear for oral argument on the motion.

The proper procedure is for defendants to move to vacate the default, proffering a reasonable
excuse and meritorious grounds for the motion (CPLR 5015[a][1]; Forest Walnut LLC, 224 AD3d
at 409). We have considered defendants' remaining arguments and find them unavailing.THIS
CONSTITUTES THE DECISION AND ORDER OF THE SUPREME COURT, APPELLATE
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