



## **10/16/95 ALFRED POLIZZOTTO ET AL. v. ULTRA EXPRESS**

633 N.Y.S.2d 972 (1995) | Cited 0 times | New York Supreme Court | October 16, 1995

Ordered that the order is affirmed, with costs.

Contrary to the plaintiffs' contention, the Supreme Court did not improvidently exercise its discretion in granting the defendant's motion to vacate a judgment entered upon its default in answering the complaint. In view of the relatively short period of delay, the absence of any claim of prejudice to the plaintiffs, the existence of a possible meritorious defense, the absence of any willfulness on the defendant's part, and the public policy in favor of resolving cases on the merits, the defendant's motion to vacate its default was properly granted (see, *Robles v Grace Episcopal Church*, 192 A.D.2d 515).

Rosenblatt, J. P., Miller, Ritter and Friedmann, JJ., concur.

