

Short Form Order

NEW YORK STATE SUPREME COURT - QUEENS COUNTY

Present: HONORABLE FREDERICK D.R. SAMPSON IAS TERM, PART 31

Justice

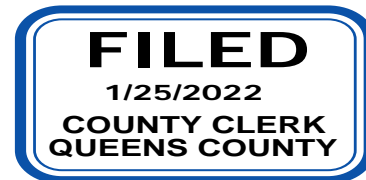
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ACE FUNDING SOURCE,

Plaintiff,

-against-

Index No: 721087/2020
Motion Date: 11/10/22
Motion Cal. No: 1
Motion Seq. No: 1

AGILITY ENERGY, INC. AGILITY ENERGY INC.
D/B/A AGILITY ENERGY, AGILITY ENERGY
INC D/B/A AGILITY ENERGY, BLACK DIAMOND
CARGO, LLC D/B/A BLACK DIAMOND CARGO
and PERRY TAYLOR,



Defendants.

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The following papers numbered E 21 to E 34 read on plaintiff's motion for summary judgment and for entry of judgment in the amount of \$324,651.00 plus interest at 9 percent from the date of defendants' breach.

	PAPERS NUMBERED
Notice of Motion-Affidavits-Exhibits.....	E 21 - E 28
Answering Affidavits- Exhibits.....	E 29 - E 33
Reply	E 34

Upon the foregoing papers, it is hereby ordered that the motion is disposed of as follows:

Plaintiff's motion for summary judgment and for entry of judgement in the amount of \$324,651.00 is denied in as much as there are triable issues of fact as to whether the contract plaintiff is suing upon is usurious. (*see LG Funding, LLC v. United Senior Props. of Olathe, LLC*, 2020 NY Slip Op 01607, 181 A.D.3d 664, 122 N.Y.S.3d 309 (App. Div. 2nd Dept.))

Dated: January 19, 2022

J.S.C.