

<b>Country-Wide Ins. Co. v Torres</b>
2021 NY Slip Op 31794(U)
May 25, 2021
Supreme Court, New York County
Docket Number: 650574/2020
Judge: Debra A. James
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SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY

PRESENT: HON. DEBRA A. JAMES PART IAS MOTION 59EFM

Justice

COUNTRY-WIDE INSURANCE COMPANY,
Plaintiff,

INDEX NO. 650574/2020
MOTION DATE 12/22/2020
MOTION SEQ. NO. 001

- v -

LUIS TORRES, ADVANCED RADIOLOGICAL IMAGING ASSOCIATES, P.C., MSHQ EMERGENCY CARE ASSOCIATES, MT. SINAI HOSPITAL OF QUEENS, PHYSICAL MED AND REHAB OF NY PC, YELLOWSTONE MEDICAL REHABILITATION P.C., INJURED WORKERS PHARMACY LLC, KATZMAN ORTHOPEDICS PC, HILLSIDE SURGICARE, M & M MEDICAL PC, LUKEV PAIN MANAGEMENT P.C., MCCULLOCH ORTHOPEDIC SURGICAL SERVICES, LENCO DIAGNOSTIC LABORATORY, NEW HORIZON SURGICAL CENTER LLC, AAAMG LEASING CORP., CHIROPRACTIC PAIN SOLUTION P.C., JSJ ANESTHESIA PAIN MANAGEMENT, PLLC, CYPRESS ACUPUNCTURE P.C., HORIZON ANESTHESIA GROUP, PC, PHAMATECH INCORPORATED, PHAMATECH MD AMERICA, PRECISION IMAGING OF NEW YORK, CRAIG GRANOVSKY DC, 21ST CENTURY PHARMACY, METROPOLITAN SURGICAL SERVICES, LLC, MK DME INC., NEW YORK RADIOLOGY, P.C., UNIVERSAL DIAGNOSTICS LLC & ISLAND AMBULATORY SURGERY CENTER, LLC,

DECISION + ORDER ON MOTION

Defendants.

The following e-filed documents, listed by NYSCEF document number (Motion 001) 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45

were read on this motion to

JUDGMENT - DEFAULT

ORDER

Upon the foregoing documents,

ORDERED and ADJUDGED that plaintiff's motion for a default judgment against defendants LUIS TORRES, ADVANCED RADIOLOGICAL IMAGING ASSOCIATES, P.C., MSHQ EMERGENCY CARE ASSOCIATES, MT.

SINAI HOSPITAL OF QUEENS, PHYSICAL MED AND REHAB OF NY PC,  
 YELLOWSTONE MEDICAL REHABILITATION P.C., INJURED WORKERS  
 PHARMACY LLC, KATZMAN ORTHOPEDICS PC, HILLSIDE SURGICARE, M & M  
 MEDICAL PC, LUKEV PAIN MANAGEMENT P.C., MCCULLOCH ORTHOPEDIC  
 SURGICAL SERVICES, Lenco DIAGNOSTIC LABORATORY, NEW HORIZON  
 SURGICAL CENTER LLC, AAAMG LEASING CORP., CHIROPRACTIC PAIN  
 SOLUTION P.C., JSJ ANESTHESIA PAIN MANAGEMENT, PLLC, CYPRESS  
 ACUPUNCTURE P.C., HORIZON ANESTHESIA GROUP, PC, PRECISION  
 IMAGING OF NEW YORK, CRAIG GRANOVSKY DC, 21ST CENTURY PHARMACY,  
 METROPOLITAN SURGICAL SERVICES, LLC, MK DME INC., NEW YORK  
 RADIOLOGY, P.C., UNIVERSAL DIAGNOSTICS LLC & ISLAND AMBULATORY  
 SURGERY CENTER, LLC is GRANTED on default; and it is further

ORDERED, ADJUDGED and DECLARED that plaintiff COUNTRY-WIDE  
 INSURANCE COMPANY is not obligated to honor or pay claims for  
 reimbursement as assignees of LUIS TORRES to ADVANCED  
 RADIOLOGICAL IMAGING ASSOCIATES, P.C., MSHQ EMERGENCY CARE  
 ASSOCIATES, MT. SINAI HOSPITAL OF QUEENS, PHYSICAL MED AND REHAB  
 OF NY PC, YELLOWSTONE MEDICAL REHABILITATION P.C., INJURED  
 WORKERS PHARMACY LLC, KATZMAN ORTHOPEDICS PC, HILLSIDE  
 SURGICARE, M & M MEDICAL PC, LUKEV PAIN MANAGEMENT P.C.,  
 MCCULLOCH ORTHOPEDIC SURGICAL SERVICES, Lenco DIAGNOSTIC  
 LABORATORY, NEW HORIZON SURGICAL CENTER LLC, AAAMG LEASING  
 CORP., CHIROPRACTIC PAIN SOLUTION P.C., JSJ ANESTHESIA PAIN  
 MANAGEMENT, PLLC, CYPRESS ACUPUNCTURE P.C., HORIZON ANESTHESIA

GROUP, PC, PRECISION IMAGING OF NEW YORK, CRAIG GRANOVSKY DC, 21ST CENTURY PHARMACY, METROPOLITAN SURGICAL SERVICES, LLC, MK DME INC., NEW YORK RADIOLOGY, P.C., UNIVERSAL DIAGNOSTICS LLC & ISLAND AMBULATORY SURGERY CENTER, LLC and that the defaulting defendants have no rights to litigate or arbitrate for No-Fault benefits with respect to the February 10, 2015 alleged accident.

DECISION

Plaintiff COUNTRY-WIDE INSURANCE COMPANY in this declaratory judgment action moves for a default judgment for the relief demanded in the Complaint pursuant to CPLR 3215 based upon the failure of defendants LUIS TORRES, ADVANCED RADIOLOGICAL IMAGING ASSOCIATES, P.C., MSHQ EMERGENCY CARE ASSOCIATES, MT. SINAI HOSPITAL OF QUEENS, PHYSICAL MED AND REHAB OF NY PC, YELLOWSTONE MEDICAL REHABILITATION P.C., INJURED WORKERS PHARMACY LLC, KATZMAN ORTHOPEDICS PC, HILLSIDE SURGICARE, M & M MEDICAL PC, LUKEV PAIN MANAGEMENT P.C., MCCULLOCH ORTHOPEDIC SURGICAL SERVICES, LENCO DIAGNOSTIC LABORATORY, NEW HORIZON SURGICAL CENTER LLC, AAAMG LEASING CORP., CHIROPRACTIC PAIN SOLUTION P.C., JSJ ANESTHESIA PAIN MANAGEMENT, PLLC, CYPRESS ACUPUNCTURE P.C., HORIZON ANESTHESIA GROUP, PC, PRECISION IMAGING OF NEW YORK, CRAIG GRANOVSKY DC, 21ST CENTURY PHARMACY, METROPOLITAN SURGICAL SERVICES, LLC, MK DME INC., NEW YORK RADIOLOGY, P.C., UNIVERSAL DIAGNOSTICS LLC & ISLAND AMBULATORY SURGERY CENTER, LLC to answer or appear. A

stipulation of discontinuance dated March 11, 2020 withdraws the motion against defendant PHAMATECH INCORPORATED.

Plaintiff has submitted proof of service of the summons and complaint and proof of service of this motion upon the defendants. Defendants have defaulted in appearance on this motion. Plaintiff has further submitted an affidavit of facts pursuant to CPLR 3215 (f), as well as evidence of the default of defendants by attorney affirmation. Plaintiff has also submitted proof of the additional mailings of the summons required by CPLR 3215(g)(4). This motion is brought within one year of the default. The court shall therefore grant a declaratory judgment on default against the defendants for the relief sought in the Complaint.

5/25/2021  
DATE

*Debra A. James*  
DEBRA A. JAMES, J.S.C.

CHECK ONE:	<input checked="" type="checkbox"/>	CASE DISPOSED	<input type="checkbox"/>	DENIED	<input type="checkbox"/>	NON-FINAL DISPOSITION	<input type="checkbox"/>	OTHER
APPLICATION:	<input checked="" type="checkbox"/>	GRANTED	<input type="checkbox"/>		<input type="checkbox"/>	GRANTED IN PART	<input type="checkbox"/>	
CHECK IF APPROPRIATE:	<input type="checkbox"/>	SETTLE ORDER	<input type="checkbox"/>		<input type="checkbox"/>	SUBMIT ORDER	<input type="checkbox"/>	
	<input type="checkbox"/>	INCLUDES TRANSFER/REASSIGN	<input type="checkbox"/>		<input type="checkbox"/>	FIDUCIARY APPOINTMENT	<input type="checkbox"/>	REFERENCE