

Supreme Court of the State of New York
Appellate Division: Second Judicial Department

D28373
W/prt

_____AD3d_____

Argued - June 11, 2010

JOSEPH COVELLO, J.P.
DANIEL D. ANGIOLILLO
JOHN M. LEVENTHAL
SANDRA L. SGROI, JJ.

2009-01664

DECISION & ORDER

Greater Health Through Chiropractic, P.C., as assignee
of Victoria Cruz, respondent, v Motor Vehicle Accident
Indemnification Corporation, appellant.

(Index No. 24890/06)

Morris, Duffy, Alonso & Faley, New York, N.Y. (Anna J. Ervolina and Andrea M. Alonso of counsel), for appellant.

Gary Tsirelman, P.C., Brooklyn, N.Y. (Max Valerio and Darya Klein of counsel), for respondent.

In an action to recover no-fault medical payments pursuant to Insurance Law article 52, the defendant appeals, by permission, from an order of the Appellate Term of the Supreme Court for the Second, Eleventh, and Thirteen Judicial Districts, dated October 31, 2008, which affirmed an order of the Civil Court, Kings County (King, J.), entered September 11, 2007, denying that branch of its motion which was for summary judgment dismissing the complaint.

ORDERED that the order dated October 31, 2008, is affirmed, with costs.

For the reasons set forth in the opinion and order in a companion appeal (*see Englington Med., P.C. v Motor Veh. Acc. Indem. Corp.*, _____AD3d_____ [decided herewith]), the Appellate Term of the Supreme Court for the Second, Eleventh, and Thirteenth

January 11, 2011

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GREATER HEALTH THROUGH CHIROPRACTIC, P.C., as assignee of CRUZ v
MOTOR VEHICLE ACCIDENT INDEMNIFICATION CORPORATION

Judicial Districts properly affirmed the order of the Civil Court, Kings County, denying that branch of the defendant's motion which was for summary judgment dismissing the complaint.

COVELLO, J.P., ANGIOLILLO, LEVENTHAL and SGROI, JJ., concur.

ENTER:

A handwritten signature in black ink that reads "Matthew G. Kiernan". The signature is written in a cursive, slightly slanted style.

Matthew G. Kiernan
Clerk of the Court