

Liberty Mut. Ins. Co. v DaCosta
2021 NY Slip Op 31080(U)
March 31, 2021
Supreme Court, New York County
Docket Number: 656844/2019
Judge: Louis L. Nock
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SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

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LIBERTY MUTUAL INSURANCE COMPANY and
LM GENERAL INSURANCE COMPANY,

Plaintiffs,

-against-

KEVIN LLOYD DACOSTA,

Individual Defendant,

-and-

ORDER & JUDGMENT

Index No. 656844/2019

A TO Z SUPPLIES GROUP INC.
ACU NEEDLE ACUPUNCTURE, PC
CUSTOM RX PHARMACY LLC
GARA MEDICAL CARE, PC
HILLSIDE FAMILY CHIROPRACTIC PC
PSYCHOLOGY HELP PC
RF CHIROPRACTIC IMAGING PC
SKY LINE PHYSICAL THERAPY PC
WELLNESS PHYSICAL THERAPY REHABILITATION
PLLC,

Medical Provider Defendants
Collectively, The Defendants.

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Upon reading and filing Plaintiffs LIBERTY MUTUAL INSURANCE COMPANY and LM GENERAL INSURANCE COMPANY’s (hereinafter, “LIBERTY”) notice of motion and the affirmation of Nicole M. Bynum, Esq. dated September 15, 2020, together with the exhibits annexed thereto, submitted in support of Plaintiffs’ motion to enter default judgment and upon oral argument held before the Honorable Louis L. Nock on March 11, 2021, it is hereby:

ORDERED, ADJUDGED, and DECLARED, that Plaintiffs’ motion for default judgment is

granted as against Defendants: KEVIN LLOYD DACOSTA; A TO Z SUPPLIES GROUP INC.; CUSTOM RX PHARMACY LLC; GARA MEDICAL CARE, PC; HILLSIDE FAMILY CHIROPRACTIC PC; PSYCHOLOGY HELP PC; RF CHIROPRACTIC IMAGING PC; SKY LINE PHYSICAL THERAPY PC; and WELLNESS PHYSICAL THERAPY REHABILITATION PLLC;

and it is further,

ORDERED, ADJUDGED, and DECLARED, that a Stipulation of Discontinuance was filed as to Defendant ACU NEEDLE ACUPUNCTURE PC and, thus, the action is dismissed as to said Defendant;

and it is further,

ORDERED, ADJUDGED, and DECLARED, that each and every part of any arbitration or court hearing brought by KEVIN LLOYD DACOSTA; A TO Z SUPPLIES GROUP INC.; CUSTOM RX PHARMACY LLC; GARA MEDICAL CARE, PC; HILLSIDE FAMILY CHIROPRACTIC PC; PSYCHOLOGY HELP PC; RF CHIROPRACTIC IMAGING PC; SKY LINE PHYSICAL THERAPY PC; and WELLNESS PHYSICAL THERAPY REHABILITATION PLLC stemming from the alleged occurrence of February 28, 2019 involving Kevin Lloyd DaCosta is permanently STAYED;

and it is further,

ORDERED, ADJUDGED, and DECLARED, that Defendants, KEVIN LLOYD DACOSTA; A TO Z SUPPLIES GROUP INC.; CUSTOM RX PHARMACY LLC; GARA MEDICAL CARE, PC; HILLSIDE FAMILY CHIROPRACTIC PC; PSYCHOLOGY HELP PC; RF CHIROPRACTIC IMAGING PC; SKY LINE PHYSICAL THERAPY PC; and WELLNESS

PHYSICAL THERAPY REHABILITATION PLLC are permanently barred from bringing any arbitration or court hearing stemming from the alleged occurrence of February 28, 2019 involving Kevin Lloyd DaCosta;

and it is further,

ORDERED, ADJUDGED, and DECLARED, that all of the Plaintiffs' denials, including those annexed to Plaintiffs' motion, of all claims for No-Fault benefits stemming from the alleged occurrence of February 28, 2019 involving Kevin Lloyd DaCosta are valid;

and it is further,

ORDERED, ADJUDGED, and DECLARED, that LIBERTY is not obligated to honor or pay claims and/or bills for reimbursement submitted by Defendants, KEVIN LLOYD DACOSTA; A TO Z SUPPLIES GROUP INC.; CUSTOM RX PHARMACY LLC; GARA MEDICAL CARE, PC; HILLSIDE FAMILY CHIROPRACTIC PC; PSYCHOLOGY HELP PC; RF CHIROPRACTIC IMAGING PC; SKY LINE PHYSICAL THERAPY PC; and WELLNESS PHYSICAL THERAPY REHABILITATION PLLC under Liberty Policy No. AOS22829648540, nor is LIBERTY required to provide, pay, honor, or reimburse any claims set forth herein, in any current, pending or future proceedings, including but not limited to cases in any court of the State of New York and/or arbitrations proceeding seeking to recover no-fault benefits arising under Liberty Policy No. AOS22829648540 from the alleged occurrence of February 28, 2019 involving Kevin Lloyd DaCosta;

and it is further,

ORDERED, ADJUDGED, and DECLARED, that the Plaintiffs serve this signed order upon all parties within 10 days; and

THIS CONSTITUTES THE ORDER AND JUDGMENT OF THIS COURT.

**Dated: New York, New York
March 31, 2021**

ENTER:

A handwritten signature in blue ink that reads "Louis L. Nock". The signature is written in a cursive style with a large initial "L".

Hon. Louis L. Nock
Justice, Supreme Court