

Rios v White Glove Community Care Inc.

2025 NY Slip Op 35252(U)

December 22, 2025

Supreme Court, Kings County

Docket Number: Index No. 524093/2022

Judge: Francois A. Rivera

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This opinion is uncorrected and not selected for official publication.

At an IAS Term, Part 52 of the Supreme Court of the State of New York, held in and for the County of Kings, at the Courthouse, at Civic Center, Brooklyn, New York, on the 22nd day of December 2025

HONORABLE FRANCOIS A. RIVERA

-----X

MARIA J. RIOS,

Plaintiff,

- against -

WHITE GLOVE COMMUNITY CARE INC.,
and HALTHFIRST PHSP, INC.,

Defendants.

-----X

DECISION & ORDER

Index No.: 524093/2022

Oral Argument: 12/18/2025

Cal. No.: 39 & 40

Ms. Seq. No.: 3 & 4

Recitation in accordance with CPLR 2219 (a) of the papers considered on the notice of motion filed on October 3, 2025, under motion sequence number three, by defendant White Glove Community Care Inc., for an order pursuant to CPLR 3212 (i) granting summary judgment as to defendants “North Shore Cardiology and Internal Medicine; Allen Ahdoot, M.D., and Justin Hakimian, M.D.”¹ dismissing the complaint in its entirety on the merits with prejudice, and (ii) directing the Clerk of the Court to enter judgment against plaintiff and in favor of the moving defendants. The motion is opposed.

-Notice of motion

-Affirmation in support

Exhibits A-Q

S (Parts 1-3)²

T-U

V (1-10)³

W (1-3)⁴

-Amended affirmation in support

-Affirmation in opposition

Exhibits A-C

-Affidavit in opposition by Dianne A. Weber

Exhibits 1-2

¹ This is the exact language of the notice of motion under NYSCEF Doc., No. 121. However, none of these defendants are the named defendants in the instant action.

² Exhibit S has three parts filed under NYSCEF Doc., Nos.: 140, 141, and 142.

³ Exhibits 1 through 10 are exhibits to exhibit V.

⁴ Exhibits 1 through 3 are exhibits to exhibit W.

-Affirmation in reply
Exhibit 1-4

Recitation in accordance with CPLR 2219 (a) of the papers considered on the notice of motion filed on October 3, 2025, under motion sequence number four, by Defendant Healthfirst PHSP Inc., for an order pursuant to CPLR 3212, granting summary judgment in its favor against the plaintiff.

-Notice of motion
-Memorandum of law
-Affirmation in support by Joshua H. Pike Esq⁵,
Exhibits A-D
-Affirmation in support by David E. Miller Esq.,⁶
Exhibits A-H
-Affirmation in opposition
Exhibits A-I
-Memorandum in reply
-Affirmation in reply
Exhibit E

LAW AND APPLICATION

“CPLR 2214 (a) provides that a notice of motion shall ‘specify the time and place of the hearing on the motion, the supporting papers upon which the motion is based, the relief demanded and the grounds therefor’” (*Abizadeh v Abizadeh*, 159 AD3d 856, 857 [2d Dept 2018], citing *Shields v Carbone*, 99 AD3d 1100, 1102 [3d Dept 2012]).

Defendant White Glove Community Care Inc. seeks an order pursuant to CPLR 3212 granting summary judgment as to defendants North Shore Cardiology and Internal Medicine, Allen Ahdoot, M.D., and Justin Hakimian, M.D. and dismissing the complaint in its entirety on the merits with prejudice.

The motion is defective because North Shore Cardiology and Internal Medicine, Allen Ahdoot, M.D., and Justin Hakimian, M.D are not defendants in the instant action and as such the

⁵ Vice-President and Associate General Counsel for Defendant Healthfirst PHSP, Inc.

⁶ Attorney’s Affirmation.

Court has no jurisdiction over these individuals. Consequently, there is not and cannot be any grounds, argument or supporting papers for the relief requested in the notice of motion.

“Effective January 1, 2024, CPLR 2106 was revised, and provides that “[t]he statement of any person wherever made, subscribed and affirmed by that person to be true under the penalties of perjury, may be used in an action in New York in lieu of and with the same force and effect as an affidavit. Such affirmation shall be in substantially in the following form: I affirm this ___ day of ___, ___, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law.” (*Ajax Mtge. Loan Trust 2021-G, Mortgagebacked Sec., Series 2021-G by U.S. Bank N.A. v Loretoni*, 87 Misc 3d 1213[A], 2025 NY Slip Op 51560[U] [Sup Ct, Westchester County 2025], citing CPLR 2106).

Applying the requirements of CPLR 2106 to the motion by White Glove Community Care Inc., the motion by Healthfirst Phsp Inc and the opposition to each of those motion by the plaintiff Maria J. Rios, the Court noted the following.

The affirmation in support and amended affirmation in support of the motion by Susan Miller, Esq. on behalf of defendant White Glove Community Care Inc. are inadmissible.

The affirmation in opposition to the motion by defendant White Glove Community Care Inc. by Paul Catsandonis, on behalf of the plaintiff Maria J. Rios is also inadmissible.

The affirmation in support of the motion by Joshua H. Pike on behalf of defendant Healthfirst Phsp Inc., is also inadmissible.

The affirmation in support of the motion by David E. Miller on behalf of defendant Healthfirst Phsp Inc., is also inadmissible.

The affirmation in opposition to the motion by defendant Healthfirst Phsp Inc., by Paul Catsandonis, on behalf of the plaintiff Maria J. Rios is inadmissible.

None of these affirmations complied with CPLR 2016 (*see Ajax Mtge. Loan Trust 2021-G, Mortgagebacked Sec., Series 2021-G by U.S. Bank N.A. v Loretoni*, 87 Misc 3d 1213[A], 2025 NY Slip Op 51560[U] [Sup Ct, Westchester County 2025], citing *Kallo v Kane Street Synagogue*, 241 AD3d 522, 523-524 [2d Dept 2025]). Both motions must therefore be denied for lack of sworn allegations of fact in support of the relief requested therein.

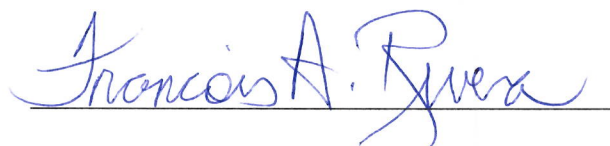
CONCLUSION

The motion by defendant White Glove Community Care Inc., for an order pursuant to CPLR 3212 granting summary judgment as to defendants “North Shore Cardiology and Internal Medicine; Allen Ahdoot, M.D., and Justin Hakimian, M.D. and dismissing the complaint in its entirety on the merits with prejudice is denied.

The motion by defendant Healthfirst PHSP Inc., for an order pursuant to CPLR 3212, granting summary judgment in its favor and dismissing the complaint of the plaintiff Maria J. Rios is denied.

The foregoing constitutes the decision and order of this Court.

ENTER:


J.S.C.

HON. FRANCOIS A. RIVERA