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| <b>Hertz Vehs., LLC v A &amp; R Med. Supply Corp.</b>  |
| 2026 NY Slip Op 30992(U)   |
| March 16, 2026   |
| Supreme Court, New York County   |
| Docket Number: Index No. 160066/2024   |
| Judge: Emily Morales-Minerva   |
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SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY

PRESENT: HON. EMILY MORALES-MINERVA PART 42M

Justice

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HERTZ VEHICLES, LLC,

Plaintiff,

INDEX NO. 160066/2024

MOTION DATE 07/17/2025

MOTION SEQ. NO. 001

- v -

A AND R MEDICAL SUPPLY CORP., ABOHUSSEIN PT, P.C., ACE MED SUPPLIES INC., ARTE MEDICAL PRIMARY CARE, P.C., ATLANTIC MEDICAL & DIAGNOSTIC, P.C., BALANCED CHANNELS ACUPUNCTURE, P.C., BL PAIN MANAGEMENT, PLLC, BORISCO, INC., FLEXMED SUPPLY, INC., FRESH POND PHARMACY, INC., GOOD HANDS CHIROPRACTIC, P.C., H B D RX, INC., NEW YORK SURGERY CENTER QUEENS, LLC, NORTH STREET MEDICAL, P.C., NY BALANCE ACUPUNCTURE, P.C., ORTHO CHOICE, INC., PULSE MEDICAL CARE, P.C., QUANTUM DIAGNOSTIC SERVICES, INC., QUEENS RADIOLOGY IMAGING, P.C., STAND-UP MRI OF THE BRONX, P.C., TARGET MEDICAL SUPPLY, INC., TITAN DIAGNOSTIC IMAGING SERVICES, INC., VIOTEK MED SUPPLIES, INC., W JOSEPH GORUM MD P.C., WALMED EQUIPMENT, LLC, ANA TORRES, ELIEZER DIAZ, JORGE DIAZ

DECISION + ORDER ON MOTION

Defendants.

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The following e-filed documents, listed by NYSCEF document number (Motion 001) 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57

were read on this motion to/for JUDGMENT - DEFAULT

APPEARANCES:

Gallo Vitucci Klar LLP, New York, NY (Michael Edward Tomsky, Esq., of counsel), for plaintiff.

EMILY MORALES-MINERVA, J.S.C.

In this action seeking a declaratory judgment, plaintiff HERTZ VEHICLES, LLC moves, by notice of motion (sequence number 001), pursuant to CPLR § 3215, for an order granting it a default judgment against defendants ABOHUSSEIN PT, P.C.,

ATLANTIC MEDICAL & DIAGNOSTIC, P.C., BALANCED CHANNELS  
ACUPUNCTURE, P.C., BL PAIN MANAGEMENT, PLLC, BORISCO, INC.,  
FRESH POND PHARMACY, INC., GOOD HAND CHIROPRACTIC, P.C., H B D  
RX INC., NEW YORK SURGERY CENTER QUEENS, LLC, NORTH STREET  
MEDICAL, P.C., NY BALANCE ACUPUNCTURE, P.C., ORTHO CHOICE, INC.,  
PULSE MEDICAL CARE, P.C., QUANTUM DIAGNOSTIC SERVICES, INC.,  
QUEENS RADIOLOGY IMAGING, P.C., STAND-UP MRI OF THE BRONX, P.C.,  
TARGET MEDICAL SUPPLY, INC., TITAN DIAGNOSTIC IMAGING SERVICES,  
INC., W JOSEPH GORUM MD P.C., WALMED EQUIPMENT, LLC, ANA TORRES  
and JORGE DIAZ.

When a defendant fails "to appear, plead or proceed to trial of an action reached and called for trial, or when the court orders a dismissal for any other neglect to proceed, the plaintiff may seek a default judgment against [the defendant]" (CPLR § 3215 [a]). To establish entitlement to a default judgment, plaintiff must file (1) proof it served defendant with the summons and complaint, and (2) "proof of the facts constituting the claim, the default, and the amount due . . . by affidavit made by the party" (see CPLR § 3215 [f]; see also Woodson v Mendon Leasing Corp., 100 NY2d 62, 70 [2003] [providing that "an applicant for a default judgment [must] file 'proof by affidavit made by the party of the facts constituting the claim'"]; 231st Riverdale LLC v 7 Star Home Furniture Inc.,

198 AD3d 524, 525 [1st Dept 2021]; Feffer v Malpeso, 210 AD2d 60 [1st Dept 1994]).

Here, plaintiff demonstrates its entitlement to entry of a default judgment against defendants ABOHUSSEIN PT, P.C., ATLANTIC MEDICAL & DIAGNOSTIC, P.C., BALANCED CHANNELS ACUPUNCTURE, P.C., BL PAIN MANAGEMENT, PLLC, BORISCO, INC., FRESH POND PHARMACY, INC., GOOD HAND CHIROPRACTIC, P.C., H B D RX INC., NEW YORK SURGERY CENTER QUEENS, LLC, NORTH STREET MEDICAL, P.C., NY BALANCE ACUPUNCTURE, P.C., ORTHO CHOICE, INC., PULSE MEDICAL CARE, P.C., QUANTUM DIAGNOSTIC SERVICES, INC., QUEENS RADIOLOGY IMAGING, P.C., STAND-UP MRI OF THE BRONX, P.C., TARGET MEDICAL SUPPLY, INC., TITAN DIAGNOSTIC IMAGING SERVICES, INC., W JOSEPH GORUM MD P.C., WALMED EQUIPMENT, LLC, ANA TORRES and JORGE DIAZ. Plaintiff submits, among other things, the affirmations of service; the affirmation of additional mailing; the affirmation of Aimee Corum, no-fault claims adjuster; and an attorney affirmation (see CPLR § 3215 [f]; see also Licurgo-Villar v Samouha, 227 AD3d 619, 620 [1st Dept 2024]; Guzetti v City of New York, 32 AD3d 234 [1st Dept 2006]).

Accordingly, it is hereby

ORDERED that plaintiff's motion (seq. no. 001) for a default judgment against defendants ABOHUSSEIN PT, P.C., ATLANTIC MEDICAL & DIAGNOSTIC, P.C., BALANCED CHANNELS ACUPUNCTURE, P.C., BL PAIN MANAGEMENT, PLLC, BORISCO, INC.,

FRESH POND PHARMACY, INC., GOOD HAND CHIROPRACTIC, P.C., H B D RX INC., NEW YORK SURGERY CENTER QUEENS, LLC, NORTH STREET MEDICAL, P.C., NY BALANCE ACUPUNCTURE, P.C., ORTHO CHOICE, INC., PULSE MEDICAL CARE, P.C., QUANTUM DIAGNOSTIC SERVICES, INC., QUEENS RADIOLOGY IMAGING, P.C., STAND-UP MRI OF THE BRONX, P.C., TARGET MEDICAL SUPPLY, INC., TITAN DIAGNOSTIC IMAGING SERVICES, INC., W JOSEPH GORUM MD P.C., WALMED EQUIPMENT, LLC, ANA TORRES and JORGE DIAZ is granted; it is further


ORDERED that the Clerk of Court is directed to enter judgment in favor of plaintiff HERTZ VEHICLES, LLC and against defendants ABOHUSSEIN PT, P.C., ATLANTIC MEDICAL & DIAGNOSTIC, P.C., BALANCED CHANNELS ACUPUNCTURE, P.C., BL PAIN MANAGEMENT, PLLC, BORISCO, INC., FRESH POND PHARMACY, INC., GOOD HAND CHIROPRACTIC, P.C., H B D RX INC., NEW YORK SURGERY CENTER QUEENS, LLC, NORTH STREET MEDICAL, P.C., NY BALANCE ACUPUNCTURE, P.C., ORTHO CHOICE, INC., PULSE MEDICAL CARE, P.C., QUANTUM DIAGNOSTIC SERVICES, INC., QUEENS RADIOLOGY IMAGING, P.C., STAND-UP MRI OF THE BRONX, P.C., TARGET MEDICAL SUPPLY, INC., TITAN DIAGNOSTIC IMAGING SERVICES, INC., W JOSEPH GORUM MD P.C., WALMED EQUIPMENT, LLC, ANA TORRES and JORGE DIAZ; it is further

ORDERED and ADJUDGED that plaintiff HERTZ VEHICLES, LLC is not obligated to honor or pay any current or future claims from defendants ABOHUSSEIN PT, P.C., ATLANTIC MEDICAL & DIAGNOSTIC, P.C., BALANCED CHANNELS ACUPUNCTURE, P.C., BL PAIN MANAGEMENT,

PLLC, BORISCO, INC., FRESH POND PHARMACY, INC., GOOD HAND CHIROPRACTIC, P.C., H B D RX INC., NEW YORK SURGERY CENTER QUEENS, LLC, NORTH STREET MEDICAL, P.C., NY BALANCE ACUPUNCTURE, P.C., ORTHO CHOICE, INC., PULSE MEDICAL CARE, P.C., QUANTUM DIAGNOSTIC SERVICES, INC., QUEENS RADIOLOGY IMAGING, P.C., STAND-UP MRI OF THE BRONX, P.C., TARGET MEDICAL SUPPLY, INC., TITAN DIAGNOSTIC IMAGING SERVICES, INC., W JOSEPH GORUM MD P.C., WALMED EQUIPMENT, LLC, ANA TORRES and JORGE DIAZ pursuant to claim number 1M01M013754806; it is further

ORDERED that, within twenty days from the date of this decision and order, plaintiff shall serve a copy of this order, with notice of entry, on defendants ABOHUSSEIN PT, P.C., ATLANTIC MEDICAL & DIAGNOSTIC, P.C., BALANCED CHANNELS ACUPUNCTURE, P.C., BL PAIN MANAGEMENT, PLLC, BORISCO, INC., FRESH POND PHARMACY, INC., GOOD HAND CHIROPRACTIC, P.C., H B D RX INC., NEW YORK SURGERY CENTER QUEENS, LLC, NORTH STREET MEDICAL, P.C., NY BALANCE ACUPUNCTURE, P.C., ORTHO CHOICE, INC., PULSE MEDICAL CARE, P.C., QUANTUM DIAGNOSTIC SERVICES, INC., QUEENS RADIOLOGY IMAGING, P.C., STAND-UP MRI OF THE BRONX, P.C., TARGET MEDICAL SUPPLY, INC., TITAN DIAGNOSTIC IMAGING SERVICES, INC., W JOSEPH GORUM MD P.C., WALMED EQUIPMENT, LLC, ANA TORRES and JORGE DIAZ, as well as on the Clerk of the Court, who shall enter judgment accordingly; and it is further

ORDERED that the Clerk of Court shall mark the file accordingly.

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|--------------------------|---|----------------------------|-------------------------------------|-----------------------|
| <u>3/16/2026</u><br>DATE | <br>EMILY MORALES-MINERVA, J.S.C. |                            |                                     |                       |
| CHECK ONE:               | <input type="checkbox"/>  | CASE DISPOSED              | <input checked="" type="checkbox"/> | NON-FINAL DISPOSITION |
|                          | <input checked="" type="checkbox"/>   | GRANTED                    | <input type="checkbox"/>            | DENIED                |
| APPLICATION:             | <input type="checkbox"/>  | SETTLE ORDER               | <input type="checkbox"/>            | GRANTED IN PART       |
| CHECK IF APPROPRIATE:    | <input type="checkbox"/>  | INCLUDES TRANSFER/REASSIGN | <input type="checkbox"/>            | SUBMIT ORDER          |
|                          |   |                            | <input type="checkbox"/>            | FIDUCIARY APPOINTMENT |
|                          |   |                            |                                     | OTHER                 |
|                          |   |                            |                                     | REFERENCE             |