

**GEICO Ins. Co. v Williams**

2011 NY Slip Op 30326(U)

January 27, 2011

Sup Ct, Nassau County

Docket Number: 015804/10

Judge: Randy Sue Marber

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SHORT FORM ORDER

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NASSAU

Present: **HON. RANDY SUE MARBER**

**JUSTICE**

**TRIAL/IAS PART 18**

**X**

GEICO INSURANCE COMPANY, GEICO  
INDEMNITY INSURANCE COMPANY and  
GEICO, GENERAL INSURANCE COMPANY,

Plaintiff,

Index No.: 015804/10  
Motion Sequence...01  
Motion Date...11/16/10

- against-

MARK A. WILLIAMS, CRYSTAL BROWN,  
NATASHA ALEXANDER, ISIAH KWAME LUNDY,  
CHANEQUE T. DAVIS, ORLANDO A. BUCKNALL,  
MILTON WILLIAMS, XAVIER DENT, ROY WIMMS,  
COURTNEY J PARRISH, CHARLES T. THOMPSON,  
FRANKIE DAVIDSON, JASON JONES, SAMUEL R.  
JOSEPH, WIDLEY MONVIL, LAKIMA ANDERSON,  
KHALIF COLE, RUDOLPH WONG, WILLIE GEDEON,  
MATTHEW N. EDWARDS, DANIEL JONES,  
BENJAMIN PINDA, BERESFORD PINDA, MALCOLM  
DOSTALY, KERRY BRITTON, DAVID A. BOYD,  
BRISTOL DALY, SHAUNA ROBERTS, PATRICE DOVE,  
BRENDA DOVE, JIMMY JOSEPH, CEDRIQUE JOSEPH,  
MARIA JOSEPH, JEAN JOSEPH, ADRIANNA MCGREGOR,  
TARIFF BROWN, RICARDO FLEURMOND, NICKIA  
WITHERSPOON, DONOVAN SMALLWOOD, EBONY  
GRAY, WILLIAM WHITE, ANGEDY DISTRIBUTORS,  
KENNETH J. DUDLEY, CASWELL MCCLAIN, DANE  
FREEMAN, JEAN SAINT-CYR, RODLY CAIDOR, KENNY  
LORMERA, FRANCOIS RICHARDSON, ESTESY S. ANTY,  
AVIS CAR RENTAL, SAMUEL RIMPEL, ANDRAY C. DAVIS,  
RUNDELLE FORD, ODALE BARNES, TERRIQUE JORDAN,

MARCIA P. BETHEA, KEVIN A. GILBERT, LINDSEY RIERA,  
 AMIN DECOTEAU, RONALD GIDDENS, BUDGET TRUCK  
 RENTAL, LYDELL S WINBORNE, NYLISHA HALL, SAMUEL  
 VALNORD, REGINA HALL, JEAN MOREAU DORISME,  
 REGINA GABELUS, RANDOLPH MORANT, TYRONE  
 MORANT, CASSUNDR A BROWN, NICHOLAS F CANTATORE,  
 SALVATORE CANTATORE, FRANTZKY JULES, NADEGE  
 BESSARD, IVANOUC HKA CHARLES, JUANA TORRES,  
 RICARDO PENA, JONATHAN S FRANCIS, SERGIO PETTIFORD,  
 RODNEY CHARLEMAGNE, MARC JEFFERIES, JUNIOR BROWN,  
 CHRISTIAAN TAYLOR, SHEARDRWOOLD MICHEL,  
 PATRICK BOURDEAU, VAL THURTON, DENISHA RAPIER,  
 BRYAN MCKENZIE, OBY JEAN, YVES BELIZ AIRE, MACKENDIE  
 ST.LOUIS, MONICA DURHAM, PHAT S HUYNH, THU CHI LUU,  
 ROSELIE LOUBE AU, REMOND GRACIA, STANLEY JEAN, BIANCA  
 DEVILLE, TIANA PAYNE, MARTIN CONNELLY, ANDREW B  
 CONNELLY, GREGORY D STEPHENSON, ROGER FORUNILLIER,  
 KENNY JOSEPH, NIGIA HAY, DEBBIAN A HAY, MONTJOUINT  
 LOUBE AU, RUBENS AUGUSTIN, STANLEY JEAN, SABRINA JEAN,  
 ANNA VASILECOZZO, MARLEANA NEEPER, STANLEY FREDERIQUE,  
 OMARI STERLING, PROPERTY OF ELMONT CEMETARY INC.,  
 RAHEEM GREAVES, DESMOND MORRISON, JEHON JOONOOS,  
 DONOVAN D HUMPHERY, TRISTAN A ASHWOOD, SHAMIKA BUTLER,  
 QUIANNA MCNEILL and SIDIQ QIYDAAR WALLACE,

("Individual Defendants"),

-and-

A. VEDER, M.D., P.C., A.M.O. PHYSICAL THERAPY, P.C., ABSOLUTE  
 APPROACH MEDICAL, P.C., ACUPUNCTURE APPROACH, P.C.,  
 ADVANCED MEDICAL, P.C., ADVANCED MEDICAL DIAGNOSTICS,  
 P.C., ALL BORO PSYCHOLOGICAL SERVICES, P.C., ALL ABOUT  
 REHABILITATION & PT, P.C., ALLMED MEDICAL OF WILLIAMSBURG,  
 P.C., ALPHA ACUPUNCTURE, P.C., AMD CHIROPRACTIC, P.C.,  
 AMEGA, INC., AMERICHOICE MEDICAL, P.C., ANDREW DOWD, M.D.,  
 APOLLO CHIROPRACTIC CARE, P.C., ART OF HEALING MEDICINE,  
 P.C., AURORA RADIOLOGY, P.C., AUSTIN MEDICAL DIAGNOSTIC, P.C.,  
 AVENUE I MEDICAL, P.C., AVGUR SUPPLY, INC., BARAKAT MEDICAL  
 CARE, P.C., BEDFORD MEDICAL, P.C., BEDFORD MEDICAL CARE, P.C.,  
 BEST ACUPUNCTURE, P.C., BEST REHAB CARE PT, P.C., BOB  
 ACUPUNCTURE, P.C., BORO CHIROPRACTIC, P.C., BP DIAGNOSTIC  
 MEDICINE, P.C., BRADFORD MEDICAL DIAGNOSTIC, P.C., BRAND

MEDICAL SUPPLY, INC., BROOKLYN KINGS HIGHWAY  
 ANESTHESIOLOGISTS, LLP, CANARSIE CHIROPRACTIC, P.C.,  
 CANON CHIROPRACTIC CARE, P.C., CAREFUL COMPLETE  
 MEDICAL, P.C., CHI J&Y ACUPUNCTURE, PLLC, CLEARVIEW  
 OF BROOKLYN MEDICAL, P.C., C.M.M. HASAN, PHYSICIAN,  
 P.C., CMS MEDICAL SUPPLY, INC., COMPAS MEDICAL,  
 P.C., COMPREHENSIVE MULTI-SPECIALTY MEDICAL,  
 COMPREHENSIVE PSYCHIATRIC EVALUATION,  
 P.C., COMPREHENSIVE PSYCHOLOGICAL EVALUATION, P.C.,  
 CONEY ISLAND PHYSICIAN CARE, P.C., D & H  
 REHABILITATION MEDICAL, P.C., DARLINGTON MEDICAL  
 DIAGNOSTIC, P.C., DELTA DIAGNOSTIC RADIOLOGY, P.C.,  
 DEREK LEZAM, D.C., DGI CHIROPRACTIC, P.C., DIAGNOSTIC  
 PLUS MEDICAL, P.C., DISCENZA RONALD M.D., P.C.,  
 DL ACUPUNCTURE SERVICES, P.C., DOCTOR OF MEDICINE  
 IN THE HOUSE, P.C., DOSHI DIAGNOSTIC IMAGING SERVICES,  
 P.C., DR. MARTIN BASSIUR D.D.S., P.C., DSD ACUPUNCTURE, P.C.,  
 DYNAMIC MEDICAL IMAGING, P.C., DUMONT MEDICAL  
 DIAGNOSTICS, P.C., DYNASTY ACUPUNCTURE, P.C., EAGLE  
 SURGICAL SUPPLY, INC., EAST TREMONT MEDICAL CENTER,  
 EASY CARE ACUPUNCTURE , P.C., EMPIRE PHYSICAL MEDICINE  
 & REHABILITATION, P.C., EXCELASSIST MEDICAL ,P.C., EXCLUSIVE  
 MEDICAL SUPPLY, INC., EZEKIEL AKANDE, M.D., FEMA MEDICAL  
 SUPPLY, INC., FLATBUSH CHIROPRACTIC ,P.C., FLATBUSH MEDICAL  
 CARE, P.C., FLATBUSH MULTI SERVICES MEDICAL, P.C., FLATLANDS  
 MEDICAL, P.C., FLUSHING TRADITIONAL ACUPUNCTURE, P.C., FOSTER  
 MEDICAL GROUP, P.C., FOREST HILLS HOSPITAL, FOSTER MEDICAL  
 GROUP, P.C., FOUR NEEDLE ACUPUNCTURE, P.C., FP MEDICAL, P.C.,  
 GA PHYSICAL THERAPY, P.C., GABA MEDICAL ,P.C., GLOBAL HEALTH  
 CARE CHIROPRACTIC, P.C., GOLDEN HANDS CHIROPRACTIC, P.C.,  
 GOLDEN REHAB PT, P.C., GOODWILL ACUPUNCTURE, P.C., GRS  
 CHIROPRACTIC, P.C., HAAR ORTHOPAEDICS & SPORTS MEDICINE, P.C.,  
 HAMILTON MEDICAL DIAGNOSTICS, P.C., HARVARD MEDICAL, P.C.,  
 HEAD TO TOE PT, P.C., HEALTHBRIDGE ORTHO SUPPLY, INC., HEALTH  
 SOLUTIONS, LLC, HIGHLAWN BEST MEDICAL SUPPLY, INC.,  
 HIGH DEFINITION MRI, P.C., HILLSIDE OPEN MRI, P.C., IAV MEDICAL  
 SUPPLY, INC., IMMEDIATE IMAGING, P.C., INFINITY HEALTH PRODUCTS,  
 LTD., INFINITY CHIROPRACTIC HEALTH, P.C., INFINITY PSYCHOLOGICAL  
 SERVICES, P.C., JA PARTNERS, JANAA PHYSICAL THERAPY, P.C.,  
 JAZMIN CHIRO, P.C., JC CHIROPRACTIC, PLLC, K & M CHIROPRACTIC, P.C.,  
 KARINA K. ACUPUNCTURE, P.C., KINGSBROOK JEWISH  
 MEDICAL CENTER, KINGSWAY ORTHOPEDIC CORPORATION,  
 LA ACUPUNCTURE, P.C., LENDER MEDICAL SUPPLY, INC.,

LEX PSYCHOLOGICAL SERVICES, P.C., LIBERTY CHIROPRACTIC, P.C.,  
LIFE TREE ACUPUNCTURE, P.C., LMK PSYCHOLOGICAL  
SERVICES, P.C., LOTUS ACUPUNCTURE, P.C., LUTHERAN  
MEDICAL CENTER, M&M MEDICAL, P.C., M. SADEES  
M.D., P.C., MAGIC TOUCH PHYSICAL THERAPY, P.C.,  
MCGUIRE MEDICAL, P.C., MDJ MEDICAL, P.C., MELANIE Y.  
WALCOTT, D.C., MERAV NICOLETTE SADEES PHYSICIAN,  
P.C., MING MEN ACUPUNCTURE, P.C.,  
MOVE FREE PHYSICAL THERAPY, P.C.,  
MT. SINAI CHIROPRACTIC, P.C., NATURAL  
ACUPUNCTURE HEALTH, P.C., NATURAL THERAPY  
ACUPUNCTURE, P.C., NEW YORK DIAGNOSTIC  
MEDICAL CARE, P.C., NEW YORK INFINITY HEALTH CARE,  
LCSW, P.C., NO MORE PAIN CHIROPRACTIC, P.C.,  
NORTH AMERICAN PARTNERS IN ANESTHESIA,  
NORTH COAST PHYSICAL THERAPY AND REHAB, P.C.,  
NOVACARE MEDICAL, P.C., O&R PHYSICAL THERAPY, P.C.,  
OLMEUR MEDICAL ,P.C., OMEGA DIAGNOSTIC IMAGING, P.C.,  
ONE OF THE BEST, INC., OPTIMAL WELL-BEING  
CHIROPRACTIC, P.C., ORACLE RADIOLOGY OF NY, P.C.,  
ORANGE ACUPUNCTURE, P.C., ORTHO-MED SURGICAL  
SUPPLIES, INC., PARK RADIOLOGY, P.C., PARKWAY  
SUPPLIES, INC., PERSONAL TOUCH MEDICAL, P.C.,  
POLLENEX SERVICE, INC., POWERFUL HEALING  
ACUPUNCTURE, P.C., PRECISION MEDICAL DIAGNOSTICS  
OF NY, P.C., PRIORITY MEDICAL DIAGNOSTICS, P.C.,  
PROFESSIONAL ANESTHESIA ASSOCIATES, LLP,  
PROFESSIONAL HEALTH IMAGING, P.C., PROGRESSIVE  
ORTHOPEDICS, PRO-VEK PLUS, INC., PUSHPA R. BHANSALI,  
PHYSICIAN, P.C., PZB CHIROPRACTIC, P.C., QUALITY  
DIAGNOSTIC IMAGING, P.C., QUALITY HEALTH PRODUCTS, INC.,  
QUALITY PSYCHOLOGICAL SERVICES, P.C.,  
QUALITY SERVICE SUPPLIES, INC., QUEENS MEDICAL &  
DIAGNOSTIC SERVICES, P.C., QUEENS SURGI CENTER,  
RRD MEDICAL, P.C., RICHARD C. DENISE, M.D., P.C.,  
RIGHT AID DIAGNOSTIC MEDICINE, P.C., RIGHT SOLUTION  
MEDICAL SUPPLY, INC., ROCKAWAY MEDICAL & DIAGNOSTIC, P.C.,  
RONALD R. DISCENZA, M.D., P.C., RWAN PT., P.C.,  
SEARAY MEDICAL, P.C., SER SANO, INC., SHARP RADIOLOGY. P.C.,  
SHORE ACUPUNCTURE, P.C., SHIEL MEDICAL LABORATORY, INC.,  
SHORE MEDICAL DIAGNOSTIC, P.C., SOUTH NASSAU  
COMMUNITIES HOSPITAL, SOUTH NASSAU RADIOLOGY,  
P.C., SK PRIME MEDICAL SUPPLY, INC., SM CHIROPRACTIC, P.C.,

SONDUS PHYSICAL THERAPY, P.C., SOPHORA DIAGNOSTIC LAB, INC., SPOROTHOTIC SURGICAL & MEDICAL SUPPLY, INC., ST. MARKS' CHIROPRACTIC, P.C., STAND UP MRI OF BROOKLYN, P.C., STAND UP MRI OF QUEENS, P.C., STAND UP MRI OF MANHATTAN, P.C., STAR MEDICAL & DIAGNOSTIC, PLLC, STERKH CHIROPRACTIC, P.C., SUPERIOR HEALTH CHIROPRACTIC, P.C., SYNERGY FIRST MEDICAL GROUP, LLP, T AND J CHIROPRACTIC, P.C., TAHIR MEDICAL, P.C., TARNOFF CHIROPRACTIC, P.C., TD ADVANCED MEDICAL, P.C., THERABILITIES PT, P.C., THER-OX HOMECARE, INC., TOPAZ MEDICAL, P.C., U & R CITY SUPPLY, INC., UNITED ORTHO SUPPLY, INC., UNIVERSAL MEDICAL & DIAGNOSTIC, P.C., UNLIMITED PRODUCTS, LTD., V.S. CARE ACUPUNCTURE, P.C., VALLEY PSYCHOLOGICAL, P.C., VEGA CHIROPRACTIC, P.C., VESPA SUPPLY, INC., VICTORY REHAB P.T., P.C., VIT ACUPUNCTURE, P.C., W.H.O. ACUPUNCTURE, P.C., WESTENDBAY ENTERPRISES, INC., WINDY CITY MEDICAL SUPPLY, INC., XERON CLINICAL LABORATORIES, INC., V&T MEDICAL, P.C., YKLIK, INC., YONGMING MAO PHYSICIAN, P.C., WILLIAM TODD PORDY, M.D. and ZENAIDA REYES-ARGUELLES D/B/A ARGUELLES M.D., P.C.

("Provider Defendants"),

collectively, the Defendants.

-----X

Papers Submitted:

Order to Show Cause.....X

Upon the foregoing papers, it is ordered that this unopposed motion by the Plaintiffs seeking an order, pursuant to CPLR § 2201 and § 6301, seeking an immediate stay of all future proceedings, including but not limited to, uninsured/supplementary uninsured motorist lawsuits and arbitrations, arbitrations and lawsuits seeking to recover no-fault benefits and third-party lawsuits and arbitrations, involving any and all of the Defendants, concerning the Plaintiffs, GEICO INSURANCE COMPANY, GEICO INDEMNITY INSURANCE COMPANY and GEICO GENERAL INSURANCE COMPANY's policies

issued to the following individual Defendants: JIMMY JOSEPH (#4167930124); MARK A. WILLIAMS (#4176597211); MILTON WILLIAMS (#4176473355); CHARLES T. THOMPSON (#4176469551); SAMUEL R. JOSEPH (#4176515619); MATTHEW N. EDWARDS (#4176322438); OBY JEAN (#4151924364); ANDERLINE THOMAS (#4155394184); FRANTZKY JULES (#4157599921); JONATHAN S. FRANCIS (#4155391453); DAVID A. BOYD (#4172685598); KEVIN A. GILBERT (#4167706037); RICARDO FLEURMOND (#4170778205); GREGORY D. STEPHENSON (#4148474614); ROSELIE LOUBEAU (#4082862410); ROSELIE LOUBEAU (#4148198395); CHRISTIAAN TAYLOR (#4150877654); RANDOLPH MORANT (#4159273327); NYLISHA HALL (#4158907636); ANDRAY C. DAVIS (#4167876525); DONOVAN D. HUMPHERY (#4177424878); KENNETH J. DUDLEY (#4170772901); ANNA VASILECOZZO (#4185554716); JEAN SAINT-CYR (#4142971532); and KAREN A. MAYNARD (#0326214004), arising from the alleged accidents that occurred on 03/23/2007; 01/02/2009; 01/07/2009; 02/04/2009; 02/10/2009; 02/28/2009; 03/03/2009; 03/22/2009; 03/26/2009; 04/08/2009; 06/23/2009; 06/29/2009; 07/12/2009; 07/23/2009; 07/24/2009; 07/27/2009; 08/23/2009; 10/04/2009; 10/09/2009; 10/09/2009; 10/20/2009; 10/20/2009; 11/17/2009; 01/29/2010 and 01/12/2010, is **GRANTED**.

The branch of the Plaintiffs' motion enjoining the parties from prosecuting or defending any new lawsuit or arbitration between the Defendants and the Plaintiffs, filed after the entry date of this Order, involving reimbursement for health care services

purportedly rendered to said Defendants' assignors pursuant to New York State Comprehensive Motor Vehicle Insurance Reparations Act (Insurance Law § 5101, et seq.) (the "No-Fault law") until the determination of this action, is **DENIED**.

This declaratory judgment action was commenced by the Plaintiffs based upon alleged fraudulent acts committed by the Defendants. Specifically, the Plaintiffs allege that the Defendants are part of a structured scheme of staging accidents in order to file fraudulent insurance claims for personal injuries and property damage. *See* Verified Complaint, dated August 17, 2010, attached to the Plaintiffs' Order to Show Cause as Exhibit "A". The Plaintiffs' allege that Defendants, JIMMY JOSEPH (#4167930124), MARK A. WILLIAMS (#4176597211), MILTON WILLIAMS (#4176473355), CHARLES T. THOMPSON (#4176469551), SAMUEL R. JOSEPH (#4176515619), MATTHEW N. EDWARDS (#4176322438), OBY JEAN (#4151924364), ANDERLINE THOMAS (#4155394184), FRANTZKY JULES (#4157599921), JONATHAN S. FRANCIS (#4155391453), DAVID A. BOYD (#472685598), KEVIN A. GILBERT (#4167706037), RICARDO FLEURMOND (#4170778205), GREGORY D. STEPHENSON (#4148474614), ROSELIE LOUBEAU (#4082862410), ROSELIE LOUBEAU (#4148198395), CHRISTIAAN TAYLOR (#4150877654), RANDOLPH MORANT (#4159273327), NYLISHA HALL (#4158907636), ANDRAY C. DAVIS (#4167876525), DONOVAN D. HUMPHERY (#4177424878), KENNETH J. DUDLEY (#4170772901), ANNA VASILECOZZO (#4185554716), JEAN SAINT-CYR (#4142971532) and KAREN A. MAYNARD

(#0326214004), materially misrepresented themselves to the Plaintiffs as twenty-three (23) of the twenty-five (25) claims that are the subject of the declaratory judgment action. The foregoing Defendants had their down payments rejected, using a fictitious bank account or the identical pre-paid credit card, which were ultimately canceled by the Plaintiffs for non-payment of premiums shortly after the staged “accidents” occurred. The remaining two (2) Defendants where the Plaintiffs did receive payment of premiums were long standing policy holders that were intentionally struck by adverse vehicles.

The Plaintiffs further allege that thirty-three (33) of the named medical provider Defendants submitted bills to the Plaintiffs for no-fault reimbursement in more than one of the subject twenty-five (25) staged losses. The Plaintiffs allege that the named medical provider Defendants acted in concert with the named individual Defendants to set up the staged “accidents” and purported resulting losses by virtue of assigned no-fault benefits from the individual Defendants.

The Plaintiffs commenced this action for a declaratory judgment and, thereafter, the instant Order to Show Cause for a stay and injunction ensued.

The Plaintiffs seek a judicial determination that they are not obligated to provide coverage for the purported staged motor vehicle “accidents” that occurred on the above referenced dates and related policies. Counsel for the Plaintiffs submits an Affirmation, supporting the Order to Show Cause, which seeks a judicial determination that the foregoing policies issued to the Defendants are null and void and that the Plaintiffs have

no contractual duty to defend or indemnify any person under said policies in any action or proceeding brought for damages arising out of the alleged personal injury or property damage. *See* Affirmation in Support, dated September 14, 2010, attached to the Plaintiffs' Order to Show Cause. The Plaintiffs also seek a judicial determination that the Plaintiffs have no duty to provide coverage for any claims for no-fault and/or uninsured motorist coverage made by or on behalf of any person or entity in connection with the accident dates and policies referenced herein. *Id.* Further, the Plaintiffs request that the named medical provider Defendants may not collect against any patient-assignors personally and that any liens between the named medical provider Defendants and the patient-assignors be deemed null and void.

In support of the Order to Show Cause, the Plaintiffs submit the Affidavit of Sharyl Derenthal, a Special Investigative Unit Manager of the Plaintiff, GEICO INSURANCE COMPANY, who is responsible for the administration of the claims submitted to the Plaintiffs in this action. Ms. Derenthal states in her Affidavit that she was personally involved in the investigation into a scheme of an ongoing ring of fraudulent activity, that involves twenty-five (25) staged "accidents". Ms. Derenthal supports the allegations in the complaint regarding the individually named Defendants acting in concert with the named medical provider Defendants in order to file and collect on fraudulent claims for personal injuries and property damage.

Counsel for the Plaintiffs cites in his Affirmation in Support, *Agway Insurance*

*v. Alvarez*, 258 A.D.2d 487 (2nd Dept. 1999), for the proposition that the underlying actions should be stayed until such time as the declaratory judgment action between the parties is determined. Plaintiffs' counsel argues that the Plaintiffs are entitled to injunctive relief as all of the required elements for injunctive relief have been satisfied here. In that regard, Plaintiffs' counsel posits that the Plaintiffs are likely to succeed on the merits, that they will suffer irreparable injury in the absence of the injunction and that the balancing of the equities favors its position.

The Court finds that, in the interest of judicial economy, the relief requested by the Plaintiffs is appropriate under these circumstances. The Plaintiffs are correct in their assertion that in the event the Defendants are permitted to continue to litigate the above referenced claims against the Plaintiffs, policy limits which would otherwise be available to the Plaintiffs' insureds for legitimate claims may be depleted. Moreover, litigating each alleged fraudulent claim separately would create an undue burden for the Plaintiffs and could result in significantly varying outcomes. As such, the Plaintiffs clearly established that irreparable harm would be suffered if the stay is not granted.

The Plaintiffs' counsel also successfully demonstrated a likelihood of success on the merits. The sworn Affidavit of the Plaintiffs' employee, Ms. Derenthal, sufficiently details the alleged fraudulent acts of the Defendants as a result of an investigation conducted by the Plaintiffs.

In balancing the equities, and in light of there being no opposition to the instant

application, the Court finds equity clearly favors granting the preliminary injunction requested by the Plaintiffs.

While the Court grants the Plaintiffs' request to stay all currently pending lawsuits between the Plaintiffs and the Defendants, and all future proceedings regarding the specific insurance policies referenced herein, the Court declines to grant a stay as to new lawsuits and arbitrations between the Defendants and the Plaintiffs filed after the entry date of this Order. If a new lawsuit or arbitration is commenced regarding insurance policies other than those referenced herein, the Plaintiffs may thereafter seek a stay of any new proceeding allowing the defendant(s) an opportunity to be heard. The Court declines to grant a stay of matters not yet filed that are not directly related to the policies referenced herein as any such application is premature.

Accordingly, it is hereby

**ORDERED**, the Plaintiffs' Order to Show Cause, pursuant to CPLR § 2201 and § 6301, seeking an immediate stay of any and all current and future proceedings, including but not limited to, uninsured/supplementary uninsured motorist lawsuits and arbitrations, arbitrations and lawsuits seeking to recover no-fault benefits and third-party lawsuits and arbitrations, involving and all of the Defendants, concerning the Plaintiffs' policies issued to the individual Defendants, JIMMY JOSEPH (#4167930124); MARK A. WILLIAMS (#4176597211); MILTON WILLIAMS (#4176473355); CHARLES T. THOMPSON (#4176469551); SAMUEL R. JOSEPH (#4176515619); MATTHEW N.

EDWARDS (#4176322438); OBY JEAN (#4151924364); ANDERLINE THOMAS (#4155394184); FRANTZKY JULES (#4157599921); JONATHAN S. FRANCIS (#4155391453); DAVID A. BOYD (#4172685598); KEVIN A. GILBERT (#4167706037); RICARDO FLEURMOND (#4170778205); GREGORY D. STEPHENSON (#4148474614); ROSELIE LOUBEAU (#4082862410); ROSELIE LOUBEAU (#4148198395); CHRISTIAAN TAYLOR (#4150877654); RANDOLPH MORANT (#4159273327); NYLISHA HALL (#4158907636); ANDRAY C. DAVIS (#4167876525); DONOVAN D. HUMPHERY (#4177424878); KENNETH J. DUDLEY (#4170772901); ANNA VASILECOZZO (#4185554716); JEAN SAINT-CYR (#4142971532); and KAREN A. MAYNARD (#0326214004), and arising from the alleged accidents that occurred on 03/23/2007; 01/02/2009; 01/07/2009; 02/04/2009; 02/10/2009; 02/28/2009; 03/03/2009; 03/22/2009; 03/26/2009; 04/08/2009; 06/23/2009; 06/29/2009; 07/12/2009; 07/23/2009; 07/24/2009; 07/27/2009; 08/23/2009; 10/04/2009; 10/09/2009; 10/09/2009; 10/20/2009; 10/20/2009; 11/17/2009; 01/29/2010 and 01/12/2010, pending the hearing and resolution of the declaratory judgment action in the above captioned matter, is **GRANTED**.

All applications not specifically addressed herein are **DENIED**.

This decision constitutes the order of the court.

DATED: Mineola, New York  
January 27, 2011

  
Hon. Randy Sue Marber, J.S.

**ENTERED**

FEB 01 2011

NASSAU COUNTY  
COUNTY CLERK'S OFFICE