

Country-Wide Ins. Co. v Parker
2013 NY Slip Op 34245(U)
April 13, 2013
Supreme Court, New York County
Docket Number: 653227/2020
Judge: Melissa A. Crane
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File No.: 20CWI003579/000328881-001
SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

-----X
COUNTRY-WIDE INSURANCE COMPANY

Index No.: 653227/2020

Plaintiff,

- against -

JUDGMENT

LATOYA PARKER

("Eligible Injured Party Defendant"),

And

STAND UP MRI OF BROOKLYN, P.C., ALL CITY FAMILY HEALTHCARE CENTER, INC.,
ROXBURY ANESTHESIA, LLC, MULTI-SPECIALTY PAIN MANAGEMENT,
PC, WESTCHESTER RADIOLOGY & IMAGING, P.C., DIRECT RX PHARMACY
INC, WELLNESS PLAZA ACUPUNCTURE P.C., GARA MEDICAL CARE, P.C., AVISHAI
T. NEUMAN MD PLLC, ACCELERATED CHIROPRACTIC CARE P.C., ALEXIOS
APAZIDIS, M.D. P.C., URBAN MEDICAL, P.C, SKY OF NY 1, INC., METAMED SPORTS
& SUPPLY INC., PROTECHMED INC, PARKSIDE CHIROPRACTIC, P.C., AMSC, LLC
D/B/A DOWNTOWN BRONX ASC, WISE REHAB P.T. P.C., WELCOME CHIROPRACTIC,
P.C., ACTIVE RANGE P.T. P.C., SURGICORE OF JERSEY CITY, LLC, P & D
MERCHANDISE CORP., DNA PHARMACY INC., EXCELL CLINICAL LAB, And
TREMONT DIAGNOSTIC IMAGING, P.C

(" Medical Provider Defendants").

Defendant(s).

-----X
HON. MELISSA A. CRANE
J.S.C.
HON. _____, J.S.C

This case arises from an automobile accident that occurred on or about July 19, 2017
wherein defendant LATOYA PARKER was allegedly in a motor vehicle accident involving a
vehicle insured by plaintiff, Country-Wide Insurance Company ("Plaintiff"). Defendant

submitted a claim to Plaintiff as a purported injured person under the insurance policy issued by Plaintiff RS 8131704-17.

Plaintiff commenced an action on or about July 17, 2020, by the filing of a Summons and Complaint seeking a declaratory judgment against LATOYA PARKER, STAND UP MRI OF BROOKLYN, P.C., ALL CITY FAMILY HEALTHCARE CENTER, INC., ROXBURY ANESTHESIA, LLC, MULTI-SPECIALTY PAIN MANAGEMENT, PC, WESTCHESTER RADIOLOGY & IMAGING, P.C., DIRECT RX PHARMACY INC, WELLNESS PLAZA ACUPUNCTURE P.C., GARA MEDICAL CARE, P.C., AVISHAI T. NEUMAN MD PLLC, ACCELERATED CHIROPRACTIC CARE P.C., ALEXIOS APAZIDIS, M.D. P.C., URBAN MEDICAL, P.C, SKY OF NY 1, INC., METAMED SPORTS & SUPPLY INC., PROTECHMED INC, PARKSIDE CHIROPRACTIC, P.C., AMSC, LLC D/B/A DOWNTOWN BRONX ASC, WISE REHAB P.T. P.C., WELCOME CHIROPRACTIC, P.C., ACTIVE RANGE P.T. P.C., SURGICORE OF JERSEY CITY, LLC, P & D MERCHANDISE CORP., DNA PHARMACY INC., EXCELL CLINICAL LAB, and TREMONT DIAGNOSTIC IMAGING, P.C. because the monetary limit on the policy has been reached. Plaintiff seeks a declaration that LATOYA PARKER is not an eligible injured person or otherwise entitled to no-fault benefits under the Policy, and that Plaintiff is not obligated to reimburse LATOYA PARKER for alleged medical treatment, therapy, lost wages, medical supplies, and/or any other expenses associated with the referenced claim and date of loss.

Plaintiff now moves for a default judgment pursuant to CPLR § 3215 against, LATOYA PARKER, STAND UP MRI OF BROOKLYN, P.C., ROXBURY ANESTHESIA, LLC, MULTI-SPECIALTY PAIN MANAGEMENT, PC, WESTCHESTER RADIOLOGY & IMAGING, P.C., DIRECT RX PHARMACY INC, WELLNESS PLAZA ACUPUNCTURE P.C., GARA

MEDICAL CARE, P.C., AVISHAI T. NEUMAN MD PLLC, ALEXIOS APAZIDIS, M.D. P.C., URBAN MEDICAL, P.C, SKY OF NY 1, INC., PROTECHMED INC, AMSC, LLC D/B/A DOWNTOWN BRONX ASC, WISE REHAB. P.T. P.C., DNA PHARMACY INC., and TREMONT DIAGNOSTIC IMAGING, P.C. No opposition is submitted.

Plaintiff submits affidavits of service showing service upon LATOYA PARKER on August 25, 2020 and the Medical Provider Defendants on August 26, 2020 and August 28, 2020 Plaintiff submits the affidavit of Kyaw Nyein, who is employed as a No-Fault Claim Supervisor at Country-Wide Insurance Company, in support of Plaintiff's motion for default judgment.

WHEREFORE, it is hereby,

ORDERED that Plaintiff's motion for default judgment against, LATOYA PARKER, STAND UP MRI OF BROOKLYN, P.C., ROXBURY ANESTHESIA, LLC, MULTI-SPECIALTY PAIN MANAGEMENT, PC, WESTCHESTER RADIOLOGY & IMAGING, P.C., DIRECT RX PHARMACY INC, WELLNESS PLAZA ACUPUNCTURE P.C., GARA MEDICAL CARE, P.C., AVISHAI T. NEUMAN MD PLLC, ALEXIOS APAZIDIS, M.D. P.C., URBAN MEDICAL, P.C, SKY OF NY 1, INC., PROTECHMED INC, AMSC, LLC D/B/A DOWNTOWN BRONX ASC, WISE REHAB P.T. P.C., DNA PHARMACY INC., and TREMONT DIAGNOSTIC IMAGING, P.C. is granted; and it is further,

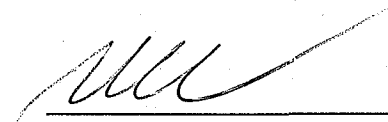
ORDERED and ADJUDGED that on the first cause of action Plaintiff owes no further duty to Defendants, LATOYA PARKER, STAND UP MRI OF BROOKLYN, P.C., ROXBURY ANESTHESIA, LLC, MULTI-SPECIALTY PAIN MANAGEMENT, PC, WESTCHESTER RADIOLOGY & IMAGING, P.C., DIRECT RX PHARMACY INC, WELLNESS PLAZA ACUPUNCTURE P.C., GARA MEDICAL CARE, P.C., AVISHAI T. NEUMAN MD PLLC,

ALEXIOS APAZIDIS, M.D. P.C., URBAN MEDICAL, P.C, SKY OF NY 1, INC., PROTECHMED INC, AMSC, LLC D/B/A DOWNTOWN BRONX ASC, WISE REHAB P.T. P.C., DNA PHARMACY INC., and TREMONT DIAGNOSTIC IMAGING, P.C., to pay No-Fault claims submitted in relation to the July 19, 2017 loss, Claim No.: 000328881-001, Policy.: RS 8131704-17, referenced in the complaint involving LATOYA PARKER, and it is further,

ORDERED and ADJUDGED that on the second cause of action that all arbitrations, lawsuits and enforcement of awards or judgments in connection with the July 19, 2017 loss, Claim No.: 000328881-001, Policy.: RS 8131704-17, referenced in the complaint involving LATOYA PARKER, are hereby permanently stayed.

This constitutes the decision and order of the court. The County Clerk is directed to enter Judgment accordingly.

Dated: 4-13-2013



J.S.C