

American Tr. Ins. Co. v Andrada-Seligman
2019 NY Slip Op 31979(U)
July 10, 2019
Supreme Court, New York County
Docket Number: 156141/2018
Judge: Debra A. James
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**SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY**

PRESENT: HON. DEBRA A. JAMES PART IAS MOTION 59EFM

Justice

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INDEX NO. 156141/2018

AMERICAN TRANSIT INSURANCE COMPANY,

MOTION DATE 03/01/2019

Plaintiff,

MOTION SEQ. NO. 001

- v -

MARY-JANE ANDRADA-SELIGMAN, ACUPUNCTURE
WORKS PLUS, PC, AZIMUTH PHYSICAL THERAPY,
PC, BARRY PROTTER, PHD., ABFP, FOREST HILLS
HOSPITAL, GRAMERCY PARK PHYSICAL MEDICINE
AND REHABILITATION P.C., KAMARA SUPPLIES,
INC., MEDICAL RECORDS RETRIEVAL INC., NORTH
AMERICAN PARTNERS IN ANESTHESIA, L.L.P., NORTH
SHORE-LIJ MEDICAL, P.C., NYC ORTHOPEDIC AND
SPINE, PC, NYU RADIOLOGY ASSOCIATES, ORTHOPRO
SERVICES, INC., PARK AVENUE RADIOLOGIST,
PC, RICHARD M. SELDES, M.D., P.C., STAND-UP MRI OF
MANHATTAN, P.C., STEVEN L. BRAVERMAN PT,
PC, SUMMIT PHARMACY, INC., UNIVERSITY PLACE
ORTHOPAEDICS, LLP

**DECISION + ORDER ON
MOTION**

Defendant.

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The following e-filed documents, listed by NYSCEF document number (Motion 001) 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18

were read on this motion to/for JUDGMENT - DECLARATORY

Upon the foregoing documents,

Plaintiff AMERICAN TRANSIT INSURANCE COMPANY in this declaratory judgment action moves for a default judgment for the relief demanded in the Complaint pursuant to CPLR 3215 based upon the failure of defendants MARY-JANE ANDRADA-SELIGMAN, ACUPUNCTURE WORKS PLUS, PC, AZIMUTH PHYSICAL THERAPY, PC, BARRY PROTTER, PHD., ABFP, FOREST HILLS HOSPITAL, MEDICAL RECORDS RETRIEVAL INC., NORTH AMERICAN PARTNERS IN ANESTHESIA, L.L.P.,

NORTH SHORE-LIJ MEDICAL, P.C., NYC ORTHOPEDIC AND SPINE, PC, NYU RADIOLOGY ASSOCIATES, ORTHOPRO SERVICES, INC., RICHARD M. SELDES, M.D., P.C., STAND-UP MRI OF MANHATTAN, P.C., STEVEN L. BRAVERMAN PT, PC, SUMMIT PHARMACY, INC., UNIVERSITY PLACE ORTHOPAEDICS, LLP to answer or appear. Stipulations of discontinuance resolve the action against defendants PARK AVENUE RADIOLOGIST, PC and GRAMERCY PARK PHYSICAL MEDICINE AND REHABILITATION P.C. Plaintiff is not seeking relief against defendant KAMARA SUPPLIES, INC. due to inability to serve.

Plaintiff has submitted proof of service of the summons and complaint and proof of service of this motion upon defendants. Defendants have defaulted in appearance on this motion. Plaintiff has further submitted an affidavit of facts pursuant to CPLR 3215 (f), as well as evidence of the default of defendants by attorney affirmation. Plaintiff has also submitted proof of the additional mailings of the summons required by CPLR 3215(g)(4). This motion is brought within one year of the default. The court shall therefore grant a declaratory judgment on default against the defendants for the relief sought in the Complaint.

Accordingly, it is

ORDERED and ADJUDGED that plaintiff's motion for a default judgment against defendants MARY-JANE ANDRADA-SELIGMAN, ACUPUNCTURE WORKS PLUS, PC, AZIMUTH PHYSICAL THERAPY, PC, BARRY

PROTTER, PHD., ABFP, FOREST HILLS HOSPITAL, MEDICAL RECORDS
RETRIEVAL INC., NORTH AMERICAN PARTNERS IN ANESTHESIA, L.L.P.,
NORTH SHORE-LIJ MEDICAL, P.C., NYC ORTHOPEDIC AND SPINE, PC,
NYU RADIOLOGY ASSOCIATES, ORTHOPRO SERVICES, INC., RICHARD M.
SELDES, M.D., P.C., STAND-UP MRI OF MANHATTAN, P.C., STEVEN L.
BRAVERMAN PT, PC, SUMMIT PHARMACY, INC., UNIVERSITY PLACE
ORTHOPAEDICS, LLP is GRANTED on default; and it is further

ORDERED, ADJUDGED and DECLARED that plaintiff AMERICAN
TRANSIT INSURANCE COMPANY is not obligated to honor or pay
claims for reimbursement as assignees of MARY-JANE ANDRADA-
SELIGMAN to defendants ACUPUNCTURE WORKS PLUS, PC, AZIMUTH
PHYSICAL THERAPY, PC, BARRY PROTTER, PHD., ABFP, FOREST HILLS
HOSPITAL, MEDICAL RECORDS RETRIEVAL INC., NORTH AMERICAN
PARTNERS IN ANESTHESIA, L.L.P., NORTH SHORE-LIJ MEDICAL, P.C.,
NYC ORTHOPEDIC AND SPINE, PC, NYU RADIOLOGY ASSOCIATES,
ORTHOPRO SERVICES, INC., RICHARD M. SELDES, M.D., P.C., STAND-UP
MRI OF MANHATTAN, P.C., STEVEN L. BRAVERMAN PT, PC, SUMMIT
PHARMACY, INC., UNIVERSITY PLACE ORTHOPAEDICS, LLP and that the
defaulting defendants have no rights to litigate or arbitrate

for No-Fault benefits with respect to the September 13, 2014
alleged accident.

JUL 10 2019
DATE

Debra A. James
DEBRA A. JAMES, J.S.C.

CHECK ONE:	<input checked="" type="checkbox"/>	CASE DISPOSED	<input type="checkbox"/>	NON-FINAL DISPOSITION
	<input checked="" type="checkbox"/>	GRANTED	<input type="checkbox"/> DENIED	<input type="checkbox"/> GRANTED IN PART
APPLICATION:	<input type="checkbox"/>	SETTLE ORDER		<input type="checkbox"/> OTHER
CHECK IF APPROPRIATE:	<input type="checkbox"/>	INCLUDES TRANSFER/REASSIGN	<input type="checkbox"/>	FIDUCIARY APPOINTMENT
			<input type="checkbox"/>	REFERENCE