

**American Tr. Ins. Co. v Madison**

2019 NY Slip Op 32178(U)

July 22, 2019

Supreme Court, New York County

Docket Number: 159050/2018

Judge: Debra A. James

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This opinion is uncorrected and not selected for official publication.

**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. 159050/2018**

AMERICAN TRANSIT INSURANCE COMPANY,

**MOTION DATE 04/19/2019**

Plaintiff,

**MOTION SEQ. NO. 001**

- v -

KAREEM MADISON, 111 ACUPUNCTURE P.C.,  
ADVANCED SPINAL CARE REHABILITATION PA,  
CHURCH CHIROPRACTIC P.C., CPM MED SUPPLY INC,  
DYNAMIC SUPPLIERS LLC, FIFTH AVENUE SURGERY  
CENTER, LLC, JULY PT, P.C., LIVE AGAIN MEDICAL  
SUPPLY INC., METRO PAIN SPECIALISTS  
PROFESSIONAL CORPORATION, METROPOLITAN  
SURGICAL SERVICES LLC, MUSCULOSKELETAL AND  
ARTHRITIS JOINT REPLACEMENT OF QUEENS, P.C.,  
NEW MILLENNIUM MEDICAL IMAGING, P.C., NEW YORK  
MANUAL P.T., P.C., NEW YORK NEUROSURGICAL,  
PLLC, NEXRAY MEDICAL IMAGING, P.C., RIGHT CHOICE  
SUPPLY INC, SERENITY MEDICAL, P.C., SINHA  
ORTHOPEDICS, P.C., SURGICORE SURGICAL CENTER  
LLC, UNITED PHYSICIANS PLLC

**DECISION + ORDER ON  
MOTION**

Defendant.

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The following e-filed documents, listed by NYSCEF document number (Motion 001) 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17

were read on this motion 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 KAREEM MADISON, 111 ACUPUNCTURE P.C., ADVANCED SPINAL CARE REHABILITATION PA, CHURCH CHIROPRACTIC P.C., CPM MED SUPPLY INC, DYNAMIC SUPPLIERS LLC, FIFTH AVENUE SURGERY CENTER, LLC, JULY PT, P.C., LIVE AGAIN

MEDICAL SUPPLY INC., METRO PAIN SPECIALISTS PROFESSIONAL CORPORATION, METROPOLITAN SURGICAL SERVICES LLC, MUSCULOSKELETAL AND ARTHRITIS JOINT REPLACEMENT OF QUEENS, P.C., NEW MILLENNIUM MEDICAL IMAGING, P.C., NEW YORK MANUAL P.T., P.C., NEW YORK NEUROSURGICAL, PLLC, NEXRAY MEDICAL IMAGING, P.C., SERENITY MEDICAL, P.C., SINHA ORTHOPEDICS, P.C., SURGICORE SURGICAL CENTER LLC, UNITED PHYSICIANS PLLC to answer or appear.

Defendant RIGHT CHOICE SUPPLY, INC., has answered.

Plaintiffs have 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. Plaintiffs have further submitted an affidavit of facts pursuant to CPLR 3215 (f), as well as evidence of the default of defendants by attorney affirmation. Plaintiffs have 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 KAREEM MADISON, 111 ACUPUNCTURE P.C., ADVANCED SPINAL CARE REHABILITATION PA, CHURCH CHIROPRACTIC P.C., CPM MED SUPPLY INC, DYNAMIC SUPPLIERS LLC, FIFTH AVENUE SURGERY CENTER,

LLC, JULY PT, P.C., LIVE AGAIN MEDICAL SUPPLY INC., METRO PAIN SPECIALISTS PROFESSIONAL CORPORATION, METROPOLITAN SURGICAL SERVICES LLC, MUSCULOSKELETAL AND ARTHRITIS JOINT REPLACEMENT OF QUEENS, P.C., NEW MILLENNIUM MEDICAL IMAGING, P.C., NEW YORK MANUAL P.T., P.C., NEW YORK NEUROSURGICAL, PLLC, NEXRAY MEDICAL IMAGING, P.C., SERENITY MEDICAL, P.C., SINHA ORTHOPEDICS, P.C., SURGICORE SURGICAL CENTER LLC, UNITED PHYSICIANS PLLC 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 KAREEM MADISON to 111 ACUPUNCTURE P.C., ADVANCED SPINAL CARE REHABILITATION PA, CHURCH CHIROPRACTIC P.C., CPM MED SUPPLY INC, DYNAMIC SUPPLIERS LLC, FIFTH AVENUE SURGERY CENTER, LLC, JULY PT, P.C., LIVE AGAIN MEDICAL SUPPLY INC., METRO PAIN SPECIALISTS PROFESSIONAL CORPORATION, METROPOLITAN SURGICAL SERVICES LLC, MUSCULOSKELETAL AND ARTHRITIS JOINT REPLACEMENT OF QUEENS, P.C., NEW MILLENNIUM MEDICAL IMAGING, P.C., NEW YORK MANUAL P.T., P.C., NEW YORK NEUROSURGICAL, PLLC, NEXRAY MEDICAL IMAGING, P.C., SERENITY MEDICAL, P.C., SINHA ORTHOPEDICS, P.C., SURGICORE SURGICAL CENTER LLC, UNITED PHYSICIANS PLLC and that the defaulting defendants have no rights to litigate or arbitrate for No-Fault benefits with respect to the January 6, 2018 alleged accident; and it is further

ORDERED that the remaining parties shall appear in IAS Part 59, 60 Centre Street, Room 331, New York, New York 10007, on October 1, 2019, 9:30 AM for a preliminary conference.

JUL 22 2019  
DATE

*Debra A. James*  
DEBRA A. JAMES, 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"/>	GRANTED IN PART
APPLICATION:	<input type="checkbox"/>	SETTLE ORDER	<input type="checkbox"/>	SUBMIT ORDER
CHECK IF APPROPRIATE:	<input type="checkbox"/>	INCLUDES TRANSFER/REASSIGN	<input type="checkbox"/>	FIDUCIARY APPOINTMENT
				OTHER
				REFERENCE