

**State Farm Fire & Cas. Co. v Advanced
Orthopaedics, P.L.L.C.**

2020 NY Slip Op 30441(U)

February 14, 2020

Supreme Court, New York County

Docket Number: 152762/2019

Judge: David Benjamin Cohen

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SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY

PRESENT: HON. DAVID BENJAMIN COHEN PART IAS MOTION 58EFM

Justice

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INDEX NO. 152762/2019

STATE FARM FIRE AND CASUALTY COMPANY,

MOTION DATE 11/07/2019

Plaintiff,

MOTION SEQ. NO. 001

- v -

ADVANCED ORTHOPAEDICS, P.L.L.C., ALL COUNTY, LLC, COMPREHENSIVE PSYCHOLOGICAL, P.C., VIVIANE ETIENNE MEDICAL CARE, P.C., JAM PHARMACY CORP., MANUAL APPROACH PHYSICAL THERAPY, P.C., MCDONALD AVE. CHIROPRACTIC, P.C., NEW SENSE ACUPUNCTURE, P.C., PARAMOUNT MEDICAL SERVICES, P.C., PRIMEMED PHARMACY, QBS SOLUTIONS, I.N.C., SOVEREIGN MEDICAL SERVICES, P.C., TE PHYSICAL THERAPY, P.C., UTR CHIROPRACTIC SERVICES, P.C., OLEGARIO SANTIAGO, VIVIAN ETIENNE, ORTHO-MED EQUIR INC.

DECISION + ORDER ON MOTION

Defendant.

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The following e-filed documents, listed by NYSCEF document number (Motion 001) 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53

were read on this motion to/for JUDGMENT - DEFAULT

Upon the foregoing documents, it is

This action has been discontinued as against defendant NEW SENSE ACUPUNCTURE, P.C.

Defendant's JAM PHARMACY CORP and QBS SOLUTIONS, I.N.C. have appeared and answered, it is hereby

ORDERED that the plaintiff's motion for a default judgment on the complaint herein is granted on default as against defendants ADVANCED ORTHOPAEDICS, P.L.L.C., ALL COUNTY, L.L.C., COMPREHENSIVE PSYCHOLOGICAL, P.C. A/K/A COMPREHENSIVE PSYCHOLOGICAL EVALUATION, P.C., VIVIANE ETIENNE MEDICAL CARE, P.C.,

MANUAL APPROACH PHYSICAL THERAPY, P.C., MCDONALD AVE. CHIROPRACTIC, P.C., PARAMOUNT MEDICAL SERVICES, P.C., PRIMEMED PHARMACY, SOVEREIGN MEDICAL SERVICES, P.C., TE PHYSICAL THERAPY, P.C., UTR CHIROPRACTIC SERVICES, P.C., VIVIANE ETIENNE, M.D., a/k/a VIVIANE ETIENNE, M.D., ORHTO-MED EQUIP, and OLEGARIO A. SANTIAGO. Plaintiff shall be awarded the declaratory and injunctive relief sought in the Complaint as to defaulting defendants, together with costs and disbursements as taxed by the Clerk; and it is further

ORDERED that movant shall submit a hard copy of a proposed judgment to Motion Support, Order Section located at 60 Centre Street, Room 119A, New York, New York and upload same to the e-file system no later than September 30, 2019; and it is further

ORDERED that moving defendants shall serve a copy of this order with notice of entry on the Clerk of the General Clerk's Office (60 Centre Street, Room 119); and it is further

ORDERED that such service upon the Clerk of the General Clerk's Office shall be made in accordance with the procedures set forth in the *Protocol on Courthouse and County Clerk Procedures for Electronically Filed Cases* (accessible at the "E-Filing" page on the court's website at the address www.nycourts.gov/supctmanh); and it is further

ORDERED that the plaintiff's motion for leave to amend the complaint is granted; and it is further

ORDERED that the Second Amended Complaint, in the form annexed to the motion papers, shall be deemed served upon service of a copy of this order with notice of entry upon all parties who have appeared in the action; and it is further

ORDERED that a Second Amended Summons and Second Verified Amended Complaint, in the form annexed to the motion papers, shall be served, in accordance with the Civil Practice Law and Rules, upon the additional parties in this action within 30 days after service of a copy of this order with notice of entry; and it is further

ORDERED that the action shall bear the following caption:

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

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STATE FARM FIRE AND CASUALTY COMPANY,

Index No.: 152762/19

Plaintiff(s),

-against-

ADVANCED ORTHOPAEDICS, P.L.L.C., ALL COUNTY, L.L.C.,
COMPREHENSIVE PSYCHOLOGICAL, P.C. a/k/a COMPREHENSIVE
PSYCHOLOGICAL EVALUATION, P.C., VIVIANE ETIENNE
MEDICAL CARE, P.C., JAM PHARMACY CORP., MANUAL
APPROACH PHYSICAL THERAPY, P.C., MCDONALD AVE.
CHIROPRACTIC, P.C., NEW SENSE ACUPUNCTURE, P.C.,
PARAMOUNT MEDICAL SERVICES, P.C., PRIMEMED PHARMACY,
QBS SOLUTIONS, I.N.C., SOVEREIGN MEDICAL SERVICES, P.C., TE
PHYSICAL THERAPY, P.C., UTR CHIROPRACTIC SERVICES, P.C.,
VIVIAN ETIENNE, M.D., a/k/a VIVIANE ETIENNE, M.D.,
ORTHO-MED EQUIP INC., ADVANCED ORTHOPEDICS AND
JOINT PRESERVATION, P.C., AVANGARD SUPPLY, INC.,
SURGICORE OF JERSEY CITY, LLC, ROXBURY ANESTHESIA, LLC,
UNICAST, INC., PROTECHMED, INC., PREFERRED MEDICAL,
P.C., and OLEGARIO A. SANTIAGO,

Defendant(s).

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And it is further

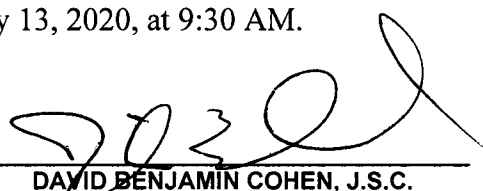
ORDERED that counsel for the moving party shall serve a copy of this order with notice of entry upon the County Clerk (60 Centre Street, Room 141B) and the Clerk of the General

Clerk's Office (60 Centre Street, Room 119), who are directed to mark the court's records to reflect the parties being added pursuant hereto; and it is further

ORDERED that such service upon the County Clerk and the Clerk of the General Clerk's Office shall be made in accordance with the procedures set forth in the *Protocol on Courthouse and County Clerk Procedures for Electronically Filed Cases* (accessible at the "E-Filing" page on the court's website at the address (ww.nycourts.gov/supctmanh)].

ORDERED that counsel for all remaining parties are directed to appear for a preliminary conference in Part 58, Room 574, 111 Centre Street, on May 13, 2020, at 9:30 AM.

2/14/2020
DATE


DAVID BENJAMIN COHEN, J.S.C.

**HON. DAVID B. COHEN
J.S.C.**

CHECK ONE:

CASE DISPOSED

NON-FINAL DISPOSITION

GRANTED

DENIED

GRANTED IN PART

OTHER

APPLICATION:

SETTLE ORDER

SUBMIT ORDER

CHECK IF APPROPRIATE:

INCLUDES TRANSFER/REASSIGN

FIDUCIARY APPOINTMENT

REFERENCE