

Ameriprise Ins. Co. v Scott

2020 NY Slip Op 31007(U)

April 17, 2020

Supreme Court, New York County

Docket Number: 157026/2019

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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AMERIPRISE INSURANCE COMPANY,
Plaintiff,

INDEX NO. 157026/2019
MOTION DATE 01/06/2020
MOTION SEQ. NO. 001

- v -

ANN MARIE SCOTT a/k/a ANN MARIE SCOTT-SMITH,
ADVANCED MEDICAL SUPPLIES, INC. ADVANTAGE MED
INNOVATIONS, INC., ALL CITY FAMILY HEALTHCARE
CENTER, INC. ASTORIA ORGANIX PHARMACY, INC.,
BRONX DIAGNOSTIC CHIROPRACTIC, P.C., C & M
CHIROPRACTIC, P.C., DIW ACUPUNCTURE P.C.,
DYNAMIC SUPPLIERS LLC, ISURPLY LLC, JAM
PHARMACY CORP., LABORATORY CORPORATION OF
AMERICA, LIFESCIENCE ACUPUNCTURE, P.C.,
MONTEFIORE NEW ROCHELE HOSPITAL, MOUNT SINAI
MEDICAL SUPPLY, INC., NYC 23RD STREET MEDICAL,
PLLC, ORTHOCARETECH, INC., PARAMOUNT MEDICAL
SERVICES, P.C., PROTECHMED INC., QUINTERO
PHYSICAL THERAPY, P.C., SANJIV BANSAL, M.D., P.C.,
SEDATION VACATION PERIOPERATIVE MEDICINE
PLLC, STAND-UP MRI OF THE BRONX, P.C. TOWN OF
MAMARONECK AMBULANCE DISTRICT, W JOSEPH
GORUM M.D., P.C., and WENDALL JOSEPH GORUM, II,
M.D.,

DECISION + ORDER ON
MOTION

Defendants.

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The following e-filed documents, listed by NYSCEF document number (Motion 001) 40 - 84
were read on this motion to/for JUDGMENT - DECLARATORY

Upon the foregoing documents,

In this declaratory judgment action, plaintiff AMERIPRISE
INSURANCE COMPANY moves for a default judgment for the relief
demanded in the Complaint pursuant to CPLR 3215 based upon the
failure of defendants ANN MARIE SCOTT a/k/a ANN MARIE SCOTT-
SMITH, ADVANCED MEDICAL SUPPLIES, INC. ADVANTAGE MED
INNOVATIONS, INC., ALL CITY FAMILY HEALTHCARE CENTER, INC.

ASTORIA ORGANIX PHARMACY, INC., BRONX DIAGNOSTIC CHIROPRACTIC, P.C., C & M CHIROPRACTIC, P.C., DIW ACUPUNCTURE P.C., DYNAMIC SUPPLIERS LLC, ISURPLY LLC, LABORATORY CORPORATION OF AMERICA, LIFESCIENCE ACUPUNCTURE, P.C., MONTEFIORE NEW ROCHELE HOSPITAL, MOUNT SINAI MEDICAL SUPPLY, INC., NYC 23RD STREET MEDICAL, PLLC, PARAMOUNT MEDICAL SERVICES, P.C., QUINTERO PHYSICAL THERAPY, P.C., SANJIV BANSAL, M.D., P.C., SEDATION VACATION PERIOPERATIVE MEDICINE PLLC, STAND-UP MRI OF THE BRONX, P.C. W JOSEPH GORUM M.D., P.C. and WENDALL JOSEPH GORUM, II, M.D. to answer or appear.

Plaintiff has submitted proof of service of the summons and complaint and proof of service of this motion upon defendants. The 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 ANN MARIE SCOTT a/k/a ANN MARIE SCOTT-SMITH,

ADVANCED MEDICAL SUPPLIES, INC. ADVANTAGE MED INNOVATIONS, INC.,
 ALL CITY FAMILY HEALTHCARE CENTER, INC. ASTORIA ORGANIX
 PHARMACY, INC., BRONX DIAGNOSTIC CHIROPRACTIC, P.C., C & M
 CHIROPRACTIC, P.C., DIW ACUPUNCTURE P.C., DYNAMIC SUPPLIERS LLC,
 ISURPLY LLC, LABORATORY CORPORATION OF AMERICA, LIFESCIENCE
 ACUPUNCTURE, P.C., MONTEFIORE NEW ROCHELE HOSPITAL, MOUNT SINAI
 MEDICAL SUPPLY, INC., NYC 23RD STREET MEDICAL, PLLC, PARAMOUNT
 MEDICAL SERVICES, P.C., QUINTERO PHYSICAL THERAPY, P.C., SANJIV
 BANSAI, M.D., P.C., SEDATION VACATION PERIOPERATIVE MEDICINE
 PLLC, STAND-UP MRI OF THE BRONX, P.C. W JOSEPH GORUM M.D., P.C.
 and WENDALL JOSEPH GORUM, II, M.D. is GRANTED on default; and it
 is further

ORDERED, ADJUDGED and DECLARED that plaintiff AMERIPRISE
 INSURANCE COMPANY is not obligated to honor or pay claims for
 reimbursement as assignees of ANN MARIE SCOTT a/k/a ANN MARIE
 SCOTT-SMITH to ADVANCED MEDICAL SUPPLIES, INC. ADVANTAGE MED
 INNOVATIONS, INC., ALL CITY FAMILY HEALTHCARE CENTER, INC.
 ASTORIA ORGANIX PHARMACY, INC., BRONX DIAGNOSTIC CHIROPRACTIC,
 P.C., C & M CHIROPRACTIC, P.C., DIW ACUPUNCTURE P.C., DYNAMIC
 SUPPLIERS LLC, ISURPLY LLC, LABORATORY CORPORATION OF AMERICA,
 LIFESCIENCE ACUPUNCTURE, P.C., MONTEFIORE NEW ROCHELE HOSPITAL,
 MOUNT SINAI MEDICAL SUPPLY, INC., NYC 23RD STREET MEDICAL, PLLC,
 PARAMOUNT MEDICAL SERVICES, P.C., QUINTERO PHYSICAL THERAPY,
 P.C., SANJIV BANSAI, M.D., P.C., SEDATION VACATION PERIOPERATIVE

MEDICINE PLLC, STAND-UP MRI OF THE BRONX, P.C. W JOSEPH GORUM M.D., P.C. and WENDALL JOSEPH GORUM, II, M.D. and that the defaulting defendants have no rights to litigate or arbitrate for No-Fault benefits with respect to the September 6, 2018 alleged accident; and it is further

ORDERED that counsel for the remaining parties shall appear in IAS Part 59, 60 Centre Street, Room 331, New York, New York 10007, on June 16, 2020, 9:30 AM for a preliminary conference.

04/17/2020

DATE

DEBRA A. JAMES, 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