

<b>American Tr. Ins. Co. v Valdez</b>
2020 NY Slip Op 31559(U)
April 17, 2020
Supreme Court, New York County
Docket Number: 656213/2018
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. 656213/2018**

AMERICAN TRANSIT INSURANCE COMPANY,

**MOTION DATE 12/18/2019**

Plaintiff,

**MOTION SEQ. NO. 001**

- v -

ANDRICKSON VALDEZ, AKE SERVICES, INC, CITYCARE  
PHYSICAL THERAPY, PC, DYNAMIC SUPPLIERSS, LLC,  
EAST SIDE PRIMARY MEDICAL CARE, P.C. ENZO  
CLINICAL LABORATORY, EXCELL CLINICAL LAB, INC,  
EXPERT MASSAGE THERAPY, PC, FIFTH AVENUE  
SURGERY CENTER, LLC, HAAR ORTHOPAEDICS &  
SPORTS MED, P.C., HORIZON ORTHO SUPPLY CORP,  
IGOR AMIGUD PHYSICIAN, PC, ISURPLY, LLC, MARK S.  
MCMAHON, MD, PC, METRO PAIN SPECIALISTS, P.C.,  
MMA PHYSICAL THERAPY, PC, MYRTLE DME NYC, INC,  
NORTH CENTRAL CHIROPRACTIC, PC, NYC 23<sup>RD</sup>  
STREET MEDICAL, PLLC, NYC MADISON AVENUE MED,  
PC NYC PHYSICAL THERAPY, PLLC, PERFORMANCE  
LIFE CHIROPRACTIC, PC, PROTECHMED, INC, REHAB  
CARE PHYSICAL THERAPY, PC, SOUTHWELL  
ACUPUNCTURE, PC, TREMONT DIAG IMAGING, PC and  
UNITED PHYSICIANS, PLLC,

**DECISION + ORDER ON  
MOTION**

Defendants.

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The following e-filed documents, listed by NYSCEF document number (Motion 001) 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21

were read on this motion to/for JUDGMENT - DECLARATORY

Upon the foregoing documents,

In this declaratory judgment, plaintiff AMERICAN TRANSIT INSURANCE COMPANY action moves for a default judgment for the relief demanded in the Complaint pursuant to CPLR 3215 based upon the failure of defendants ANDRICKSON VALDEZ, CITYCARE PHYSICAL THERAPY, PC, DYNAMIC SUPPLIERSS, LLC, EAST SIDE PRIMARY MEDICAL CARE, P.C. ENZO CLINICAL LABORATORY, EXCELL CLINICAL

LAB, INC, EXPERT MASSAGE THERAPY, PC, ISURPLY, LLC, METRO PAIN SPECIALISTS, P.C., MMA PHYSICAL THERAPY, PC, NORTH CENTRAL CHIROPRACTIC, PC, NYC 23<sup>RD</sup> STREET MEDICAL, PLLC, NYC MADISON AVENUE MED, PC NYC PHYSICAL THERAPY, PLLC, REHAB CARE PHYSICAL THERAPY, PC, SOUTHWELL ACUPUNCTURE, PC, TREMONT DIAG IMAGING, PC and UNITED PHYSICIANS, PLLC to answer or appear. Stipulations of discontinuance resolve the action against defendants HORIZON ORTHO SUPPLY CORP., MARK S. MCMAHON, MD, PC, FIFTH AVENUE SURGERY CENTER, LLC and IGOR AMIGUD PHYSICIAN, PC.

Plaintiff has submitted proof of service of the summons and complaint, proof of service of this motion upon defendants, as well as evidence of the default of non-answering defendants by attorney affirmation. Plaintiff has further submitted an affidavit of facts pursuant to CPLR 3215 (f). 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 ANDRICKSON VALDEZ, CITYCARE PHYSICAL THERAPY, PC, DYNAMIC SUPPLIERS, LLC, EAST SIDE PRIMARY MEDICAL CARE, P.C. ENZO CLINICAL LABORATORY, EXCELL CLINICAL LAB, INC, EXPERT MASSAGE THERAPY, PC, ISURPLY, LLC, METRO PAIN SPECIALISTS, P.C., MMA PHYSICAL THERAPY, PC, NORTH CENTRAL CHIROPRACTIC, PC, NYC

23<sup>RD</sup> STREET MEDICAL, PLLC, NYC MADISON AVENUE MED, PC NYC  
PHYSICAL THERAPY, PLLC, REHAB CARE PHYSICAL THERAPY, PC,  
SOUTHWELL ACUPUNCTURE, PC, TREMONT DIAG IMAGING, PC and 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 ANDRICKSON VALDEZ to  
CITYCARE PHYSICAL THERAPY, PC, DYNAMIC SUPPLIERS, LLC, EAST  
SIDE PRIMARY MEDICAL CARE, P.C. ENZO CLINICAL LABORATORY, EXCELL  
CLINICAL LAB, INC, EXPERT MASSAGE THERAPY, PC, ISURPLY, LLC,  
METRO PAIN SPECIALISTS, P.C., MMA PHYSICAL THERAPY, PC, NORTH  
CENTRAL CHIROPRACTIC, PC, NYC 23<sup>RD</sup> STREET MEDICAL, PLLC, NYC  
MADISON AVENUE MED, PC NYC PHYSICAL THERAPY, PLLC, REHAB CARE  
PHYSICAL THERAPY, PC, SOUTHWELL ACUPUNCTURE, PC, TREMONT DIAG  
IMAGING, PC and UNITED PHYSICIANS, PLLC and that the defaulting  
defendants have no rights to litigate or arbitrate for No-Fault  
benefits with respect to the February 8, 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 June 23, 2020, 9:30 AM for a preliminary conference.

<u>04/17/2020</u>			
DATE			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"/> DENIED	<input type="checkbox"/> OTHER
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	<input type="checkbox"/> REFERENCE