

**State Farm Mut. Auto. Ins. Co. v Inspired
Chiropractic, P.C.**

2020 NY Slip Op 33909(U)

November 27, 2020

Supreme Court, New York County

Docket Number: 160043/2019

Judge: David Benjamin Cohen

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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. DAVID BENJAMIN COHEN PART IAS MOTION 58EFM

Justice

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STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY,

Plaintiff,

- v -

INSPIRED CHIROPRACTIC, P.C.,KH LEE ACUPUNCTURE, P.C.,SABAS NY SERVICES, INC.,JOINT PHYSICAL THERAPY, P.C.,JA PHYSICAL THERAPY, P.C.,NEXRAY MEDICAL IMAGING, P.C.,LPM PHARMACY, INC.,GOTHAM SUPPLY GROUP, INC.,ANDALELLA CHIROPRACTIC, P.C.,CONRAD CEAN, M.D., ATLAS PHARMACY, LLC,ROYAL MEDICAL IMAGING, P.C.,CONTEMPORARY ORTHOPEDICS, PLLC,ACCU REFERENCE MEDICAL LAB LIMITED LIABILITY COMPANY, JULY GAYSYNKY, M.D., PROTECHMED, INC.,UNICAST, INC.,NEXTSTEP HEALING, INC.,SEDATION VACATION PERIOPERATIVE MEDICINE, PLLC,NYEEQASC, LLC,CVS RX, INC. D/B/A EXPRESS PHARMACY, EDEN ORTHO SUPPLY, LTD, JOSEPH A. RAIA, M.D., P.C.,LEE E. LOEWINGER, M.D., BROOKLYN CARDIOVASCULAR CARE, P.L.L.C., 5 BOROUGH ANESTHESIA, PLLC,CROSSTOWN CHIROPRACTIC, P.C.,METROPOLITAN MEDICAL & SURGICAL, P.C.,THE NEW YORK AND PRESBYTERIAN HOSPITAL A/K/A NEW YORK PRESBYTERIAN HOSPITAL QUEENS A/K/A NEW YORK PRESBYTERIAN AMBULANCE, HANK ROSS MEDICAL, P.C.,JA PHYSICAL THERAPY, P.C.,GALISON LUDOVICK, SADE ETIENNE, JOEL TOUSSAINT, VITAL CARE GROUP, INC.,COMPREHENSIVE MEDICAL ASSIST, P.C.

Defendant.

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The following e-filed documents, listed by NYSCEF document number (Motion 001) 51, 52, 53, 54, 55, 56, 57, 58, 59

were read on this motion to/for EXTEND - TIME

The following e-filed documents, listed by NYSCEF document number (Motion 002) 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77

were read on this motion to/for JUDGMENT - DEFAULT

Upon the foregoing documents:

DECISION + ORDER ON MOTION

Defendant NEXTSTEP HEALING, INC. has appeared and answered.

It is hereby

ORDERED that defendant INSPIRED CHIROPRACTIC, P.C.'s motion to extend its time to answer is denied as academic as this action has since been discontinued as against said defendant. (This action has also been discontinued as against defendants PROTECHMED, INC., and UNICAST, INC.); and it is further

ORDERED that the plaintiff's motion for a default judgment on the complaint herein is granted on default as against defendants KH LEE ACUPUNCTURE, P.C., SABAS NY SERVICES, INC., JOINT PHYSICAL THERAPY, P.C., JA PHYSICAL THERAPY, P.C., NEXRAY MEDICAL IMAGING, P.C., LPM PHARMACY, INC., GOTHAM SUPPLY GROUP, INC., CONRAD CEAN, M.D., ATLAS PHARMACY, LLC, ROYAL MEDICAL IMAGING, P.C., CONTEMPORARY ORTHOPEDICS, PLLC, ACCU REFERENCE MEDICAL LAB LIMITED LIABILITY COMPANY, JULY GAYSYNKY, M.D., SEDATION VACATION PERIOPERATIVE MEDICINE, PLLC, NYEEQASC, LLC, CVS RX, INC. D/B/A EXPRESS PHARMACY, EDEN ORTHO SUPPLY, LTD, JOSEPH A. RAIA, M.D., P.C., LEE E. LOEWINGER, M.D., BROOKLYN CARDIOVASCULAR CARE, P.L.L.C., 5 BOROUGH ANESTHESIA, PLLC, CROSSTOWN CHIROPRACTIC, P.C., METROPOLITAN MEDICAL & SURGICAL, P.C., THE NEW YORK AND PRESBYTERIAN HOSPITAL A/K/A NEW YORK PRESBYTERIAN HOSPITAL QUEENS A/K/A NEW YORK PRESBYTERIAN AMBULANCE, HANK ROSS MEDICAL, P.C., JA PHYSICAL THERAPY, P.C., VITAL CARE GROUP, INC., COMPREHENSIVE MEDICAL ASSIST, P.C., GALISON LUDOVICK, and SADE ETIENNE. 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 November 9, 2020; 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/suptctmanh); and it is further

ORDERED that counsel for any of the remaining parties may seek a compliance conference by contacting the Clerk of the Part at mabreu@nycourts.gov, and it is further

ORDERED that the plaintiff's motion for leave to amend the complaint to add MILLENIUM AMBULATORY SURGERY CENTER, L.L.C., and PROCORE HEALTH AND TECHNOLOGY, INC. as defendants is granted; and it is further

ORDERED that the 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 supplemental summons and 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
COUNY OF NEW YORK

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STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY,

Plaintiff,

Index No.:
160043/2019

-against-

INSPIRED CHIROPRACTIC, P.C., KH LEE ACUPUNCTURE,
P.C., SABAS NY SERVICES, INC., JOINT PHYSICAL THERAPY,
P.C., JA PHYSICAL THERAPY, P.C., NEXRAY MEDICAL
IMAGING, P.C., LPM PHARMACY, INC., GOTHAM SUPPLY
GROUP, INC., ANDALELLA CHIROPRACTIC, P.C., CONRAD
CEAN, M.D., ATLAS PHARMACY, LLC, ROYAL MEDICAL
IMAGING, P.C., CONTEMPORARY ORTHOPEDICS, PLLC,
ACCU REFERENCE MEDICAL LAB LIMITED LIABILITY
COMPANY, JULY GAYSYNSKY, M.D., PROTECHMED, INC.,
UNICAST, INC., NEXTSTEP HEALING, INC., SEDATION
VACATION PERIOPERATIVE MEDICINE, PLLC, NYEEQASC,
LLC, CVS RX, INC. D/B/A EXPRESS PHARMACY, EDEN
ORTHO SUPPLY, LTD, JOSEPH A. RAIA, M.D., P.C., LEE E.
LOEWINGER, M.D., BROOKLYN CARDIOVASCULAR CARE,
P.L.L.C., 5 BOROUGH ANESTHESIA, PLLC, CROSSTOWN
CHIROPRACTIC, P.C., METROPOLITAN MEDICAL &
SURGICAL, P.C., THE NEW YORK AND PRESBYTERIAN
HOSPITAL A/K/A NEW YORK PRESBYTERIAN HOSPITAL
QUEENS A/K/A NEW YORK PRESBYTERIAN AMBULANCE,
HANK ROSS MEDICAL, P.C., JA PHYSICAL THERAPY, P.C.,
VITAL CARE GROUP, INC., COMPREHENSIVE MEDICAL
ASSIST, P.C., MILLENIUM AMBULATORY SURGERY
CENTER, L.L.C., PROCORE HEALTH AND TECHNOLOGY,
INC., GALISON LUDOVICK, SADE ETIENNE,
and JOEL TOUSSAINT,

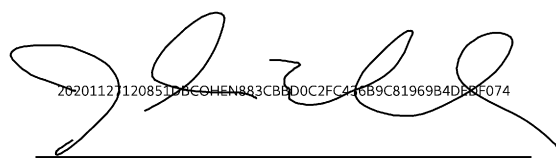
Defendants.

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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)].



2020112712085106COHEN883CB5D0C2FC46B9C81969B4D8E074

11/27/2020
DATE

DAVID BENJAMIN COHEN, J.S.C.

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