

<b>State Farm Mut. Auto. Ins. Co. v Barakat PT, P.C.</b>
2021 NY Slip Op 30603(U)
March 2, 2021
Supreme Court, New York County
Docket Number: 150816/2020
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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STATE FARM MUTUAL AUTOMOBILE INSURANCE  
COMPANY,

Plaintiff,

INDEX NO. 150816/2020

MOTION DATE 01/28/2021

MOTION SEQ. NO. 002

- v -

BARAKAT PT, P.C., ARDEN M. KAISMAN, M.D.,  
P.C., MARTIN FAMILY CHIROPRACTIC, P.C., METRO PAIN  
SPECIALISTS PROFESSIONAL CORPORATION, NEXRAY  
MEDICAL IMAGING, P.C., OUTREACH MANUAL  
PHYSICAL THERAPY, P.C., TAREQ SHAFAI, L.AC.,  
SHORE PARKWAY CHIROPRACTIC, P.C., STRIDE  
REHABILITATION, LLC, TS ACUPUNCTURE,  
P.C., WALLEGOOD INC., BRONX LEBANON HOSPITAL  
CENTER, BRONXCARE HEALTH SYSTEM, BROOKLYN  
FAMILY MEDICINE, LLC, BROOKLYN MCDONALD  
MEDICAL CARE, PLLC, CARESOFT LEASING CORP.,  
COMPREHENSIVE INTERVENTIONAL PAIN  
MANAGEMENT, P.C., DIANON SYSTEMS, INC., DIEGO  
MARMANILLO, D.C., EMU HEALTH SERVICES, LLC A/K/A  
EMU SC, LLC, ETERNITY PHYSICAL THERAPY,  
P.C., ROSS FIALKOV, D.C., GOLDSTAR EQUIPMENT,  
INC., HKP PHYSICAL THERAPY, P.C., HUDSON PAIN  
MANAGEMENT, P.C., INTERVENTIONAL SPINAL PAIN  
CARE, P.C., ISURPLY, LLC, STEWART M. KAUFMAN,  
L.AC., LEE ASSOCIATED DIAGNOSTIC, LLC, LENOX HILL  
RADIOLOGY MANAGEMENT, LLC A/K/A LENOX HILL  
RADIOLOGY, NADJA LOUIS-JACQUES, FNP,  
MCCULLOCH ORTHOPAEDIC SURGICAL SERVICES,  
P.L.L.C. A/K/A MCCULLOCH ORTHOPEDIC SURGICAL,  
MIDDLETOWN INTERVENTIONAL PAIN MANAGEMENT,  
P.C., NEW AGE NEUROLOGY, P.C., NEW IMAGE  
CHIROPRACTIC, P.C., NY AMBULATORY AND  
ANESTHESIA, P.C., NEW YORK MEDICAL & DIAGNOSTIC  
CARE, P.C., NU HEALTH ACUPUNCTURE,  
P.C., PRECISION ANESTHESIA, P.C., PRIME ONE  
MEDICAL SERVICES, PLLC, QBS SOLUTIONS,  
INC., QUEENS ARTHROSCOPY AND SPORTS MEDICINE,  
P.C., ROCKAWAY PARK MEDICAL, P.C., ROLAND  
CHIROPRACTIC, P.C., SPINNING ACUPUNCTURE,  
P.C., SYNERGY MEDICAL LABORATORIES, INC., TIM  
CANTY M.D., PLLC, WELLNESS DIAGNOSTIC IMAGING,  
P.C., GEORDANY JOSSELIN, BECKY BOSTIC,  
CLARIBERT ARNE, SHERLEY ARNE, ELIZIER ROLDER,  
RACHELLE EXUME, WADELIN BIENNE SCAR

**DECISION + ORDER ON  
MOTION**

Defendant.

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The following e-filed documents, listed by NYSCEF document number (Motion 002) 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105

were read on this motion to/for

JUDGMENT - DEFAULT

Upon the foregoing documents, it is

ORDERED that the plaintiff's motion for a default judgment on the complaint herein is granted on default as against defendants ARDEN M. KAISMAN, M.D., P.C., MARTIN FAMILY CHIROPRACTIC, P.C., NEXRAY MEDICAL IMAGING, P.C., OUTREACH MANUAL PHYSICAL THERAPY, P.C., TAREQ SHAFAI, L.AC., SHORE PARKWAY CHIROPRACTIC, P.C., STRIDE REHABILITATION, LLC, TS ACUPUNCTURE, P.C., WALLEGOOD INC., BRONX LEBANON HOSPITAL CENTER, BRONXCARE HEALTH SYSTEM, BROOKLYN FAMILY MEDICINE, LLC, BROOKLYN MCDONALD MEDICAL CARE, PLLC, CARESOFT LEASING CORP., COMPREHENSIVE INTERVENTIONAL PAIN MANAGEMENT, P.C., EMU HEALTH SERVICES, LLC A/K/A EMU SC, LLC, ETERNITY PHYSICAL THERAPY, P.C., ROSS FIALKOV, D.C., HKP PHYSICAL THERAPY, P.C., HUDSON PAIN MANAGEMENT, P.C., INTERVENTIONAL SPINAL PAIN CARE, P.C., ISURPLY, LLC, LEE ASSOCIATED DIAGNOSTIC, LLC, LENOX HILL RADIOLOGY MANAGEMENT, LLC A/K/A LENOX HILL RADIOLOGY, NADJA LOUIS-JACQUES, FNP, MCCULLOCH ORTHOPAEDIC SURGICAL SERVICES, P.L.L.C. A/K/A MCCULLOCH ORTHOPEDIC SURGICAL, MIDDLETOWN INTERVENTIONAL PAIN MANAGEMENT, P.C., NEW AGE NEUROLOGY, P.C., NEW IMAGE CHIROPRACTIC, P.C., NY AMBULATORY AND ANESTHESIA, P.C., NU HEALTH ACUPUNCTURE, P.C., PRECISION ANESTHESIA, P.C., PRIME ONE MEDICAL SERVICES, PLLC, QBS SOLUTIONS, INC., QUEENS ARTHROSCOPY AND SPORTS MEDICINE, P.C.,

ROCKAWAY PARK MEDICAL, P.C., SPINNING ACUPUNCTURE, P.C., SYNERGY MEDICAL LABORATORIES, INC., TIM CANTY M.D., PLLC, WELLNESS DIAGNOSTIC IMAGING, P.C., GEORDANY JOSSELIN, ELIZIER ROLDER, RACHELLE EXUME, and WADELIN BIENNESCAR. 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

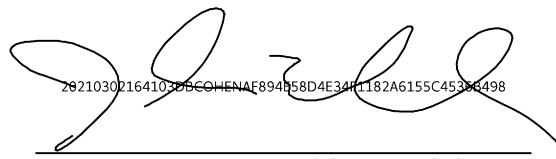
ORDERED that movant shall submit a hard copy of a proposed judgment to Motion Support, Order Section located at 60 Centre Street, Room 119A, New York, New York and upload same to the e-file system no later than December 31, 2020; and it is further

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/supctmanh](http://www.nycourts.gov/supctmanh)); and it is further

ORDERED that plaintiff's motion for a default judgment as against defendants DIEGO MARMANILLO, D.C., STEWART M. KAUFMAN, L.AC., CLARIBERT ARNE and SHERLEY ARNE is denied as the affidavits submitted indicate that these defendants were not served with process. Plaintiff's motion as against defendant BECKY BOSTIC is also denied as the affidavit of service is insufficient as a matter of law as it does not indicated that the mailing was preceded by affixing to the door and the times of the prior attempts at service are not stated; and it is further

ORDERED that the remaining parties shall appear for a preliminary conference on April 5, 2021 at 11:30 a.m. unless they first complete a bar coded preliminary conference form (to be provided by the Part 58 Clerk) and return the same by e-mail to the Part 58 Clerk at SFC-Part58-Clerk@nycourts.gov at least 2 business days before the scheduled conference.



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3/2/2021  
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	
CHECK IF APPROPRIATE:	<input type="checkbox"/>	INCLUDES TRANSFER/REASSIGN	<input type="checkbox"/>	FIDUCIARY APPOINTMENT	<input type="checkbox"/>
			<input type="checkbox"/>	DENIED	OTHER
					REFERENCE