

Liberty Mut. Ins. Co. v Joseph
2021 NY Slip Op 30918(U)
March 17, 2021
Supreme Court, New York County
Docket Number: 653465-2019
Judge: Louis L. Nock
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SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK : *PART 38*

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LIBERTY MUTUAL INSURANCE COMPANY
and LM GENERAL INSURANCE COMPANY,
Plaintiffs

-against -

JEFFREY JOSEPH, WALTER CAMERON and
BERNY CEAN

"Individual Defendants"

-and-

ACUCARE4U ACUPUNCTURE LLC,
AK GLOBAL SUPPLY CORP,
ANANTHAKUMAR THILLAINATHAN MD,
AZNY CHIROPRACTIC P.C.,
BACK PAIN CHIROPRACTIC P.C.,
BROOKLYN FAMILY MEDICINE LLC,
BROOKLYN MCDONALD MEDICAL CARE PLLC,
CARESOFTEASING CORP,
COMFORT PHYSICAL THERAPY, PLLC,
ETERNITY PHYSICAL THERAPY P.C.,
FIVE BOROUGH SUPPLY INC,
FLORID LEISURE ACUPUNCTURE P.C.,
FRANK SAUCHELLI MD,
GAO ACUPUNCTURE P.C.,
HANWOL PHYSICAL THERAPY P.C.,
HARVEY R. MANES, M.D., P.C.,
JOEUN CHIROPRACTIC SPINE CARE,
LONGEVITY MEDICAL SUPPLY, INC.,
LOUIS-JACQUES NADJA NP,
LOUIS VASTOLA DC,
MAURO CHIROPRACTIC P.C.,
MICHELE B GLISPY,
MYOCARE PT P.C ,
NEW IMAGE CHIROPRACTIC P.C.,
NEW PORT ACUPUNCTURE P.C.,
NEW YORK CORE CHIROPRACTIC P.C.,
NYRX PHARMACY, INC.,
NY QUEENS PHYSICAL THERAPY P.C.,
OPUS PSYCHOLOGICAL SERVICES P.C.,
RED OAK MEDICAL P.C.,
SINGH PT PLLC,
SYNERGY MEDICAL LABORATORIES INC,
WELLNESS DIAGNOSTIC IMAGING P.C.

"Medical Provider Defendants"

~~PROPOSED~~
JUDGMENT

Index No.: 653465-2019

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Upon reading and filing Plaintiffs, **LIBERTY MUTUAL INSURANCE COMPANY** and **LM GENERAL INSURANCE COMPANY** (hereinafter, "LIBERTY") notice of motion and the affirmation of Michelle Dunleavy, Esq. dated November 11, 2019, together with the exhibits annexed thereto submitted in support of Plaintiffs' motion to enter default judgment, it is hereby;

ORDERED, ADJUDGED, and DECLARED, that Plaintiffs' motion for a **default judgment** is granted as against Defendants: JEFFREY JOSEPH, WALTER CAMERON, BERNY CEAN, ACUCARE4U ACUPUNCTURE LLC, ANANTHAKUMAR THILLAINATHAN MD, AZNY CHIROPRACTIC P.C., BACK PAIN CHIROPRACTIC P.C., BROOKLYN FAMILY MEDICINE LLC, BROOKLYN MCDONALD MEDICAL CARE PLLC, CARESOFT LEASING CORP, COMFORT PHYSICAL THERAPY, PLLC, ETERNITY PHYSICAL THERAPY P.C., FIVE BOROUGH SUPPLY INC, FLORID LEISURE ACUPUNCTURE P.C., FRANK SAUCHELLI MD, HANWOL PHYSICAL THERAPY P.C., HARVEY R. MANES, M.D., P.C., JOEUN CHIROPRACTIC SPINE CARE, LOUIS-JACQUES NADJA NP, LOUIS VASTOLA DC, MAURO CHIROPRACTIC P.C., MYOCARE PT P.C., NEW IMAGE CHIROPRACTIC P.C., NEW PORT ACUPUNCTURE P.C., NEW YORK CORE CHIROPRACTIC P.C., NY QUEENS PHYSICAL THERAPY P.C., OPUS PSYCHOLOGICAL SERVICES P.C., RED OAK MEDICAL P.C., SINGH PT PLLC, SYNERGY MEDICAL LABORATORIES INC, and WELLNESS DIAGNOSTIC IMAGING P.C.

and it is further,

ORDERED, ADJUDGED, and DECLARED, that each and every part of any arbitration or court hearing brought by JEFFREY JOSEPH, WALTER CAMERON, BERNY CEAN, ACUCARE4U ACUPUNCTURE LLC, ANANTHAKUMAR THILLAINATHAN MD, AZNY CHIROPRACTIC P.C., BACK PAIN CHIROPRACTIC P.C., BROOKLYN FAMILY

MEDICINE LLC, BROOKLYN MCDONALD MEDICAL CARE PLLC, CARESOFT LEASING CORP, COMFORT PHYSICAL THERAPY, PLLC, ETERNITY PHYSICAL THERAPY P.C., FIVE BOROUGH SUPPLY INC, FLORID LEISURE ACUPUNCTURE P.C., FRANK SAUCHELLI MD, HANWOL PHYSICAL THERAPY P.C., HARVEY R. MANES, M.D., P.C., JOEUN CHIROPRACTIC SPINE CARE, LOUIS-JACQUES NADJA NP, LOUIS VASTOLA DC, MAURO CHIROPRACTIC P.C., MYOCARE PT P.C., NEW IMAGE CHIROPRACTIC P.C., NEW PORT ACUPUNCTURE P.C., NEW YORK CORE CHIROPRACTIC P.C., NY QUEENS PHYSICAL THERAPY P.C., OPUS PSYCHOLOGICAL SERVICES P.C., RED OAK MEDICAL P.C., SINGH PT PLLC, SYNERGY MEDICAL LABORATORIES INC, and WELLNESS DIAGNOSTIC IMAGING P.C. stemming from the alleged occurrence of September 25, 2018 involving BERNY CEAN, JEFFREY JOSEPH and WALTER CAMERON is permanently STAYED;

and it is further,

ORDERED, ADJUDGED, and DECLARED, that Defendants JEFFREY JOSEPH, WALTER CAMERON, BERNY CEAN, ACUCARE4U ACUPUNCTURE LLC, ANANTHAKUMAR THILLAINATHAN MD, AZNY CHIROPRACTIC P.C., BACK PAIN CHIROPRACTIC P.C., BROOKLYN FAMILY MEDICINE LLC, BROOKLYN MCDONALD MEDICAL CARE PLLC, CARESOFT LEASING CORP, COMFORT PHYSICAL THERAPY, PLLC, ETERNITY PHYSICAL THERAPY P.C., FIVE BOROUGH SUPPLY INC, FLORID LEISURE ACUPUNCTURE P.C., FRANK SAUCHELLI MD, HANWOL PHYSICAL THERAPY P.C., HARVEY R. MANES, M.D., P.C., JOEUN CHIROPRACTIC SPINE CARE, LOUIS-JACQUES NADJA NP, LOUIS VASTOLA DC, MAURO CHIROPRACTIC P.C., MYOCARE PT P.C., NEW IMAGE CHIROPRACTIC P.C., NEW PORT ACUPUNCTURE P.C., NEW YORK CORE CHIROPRACTIC P.C., NY QUEENS PHYSICAL THERAPY P.C., OPUS PSYCHOLOGICAL SERVICES P.C., RED OAK MEDICAL P.C., SINGH PT PLLC,

SYNERGY MEDICAL LABORATORIES INC, and WELLNESS DIAGNOSTIC IMAGING P.C. are permanently barred from bringing any arbitration or court hearing stemming from the alleged occurrence of September 25, 2018 involving BERNY CEAN, JEFFREY JOSEPH and WALTER CAMERON;

and it is further,

ORDERED, ADJUDGED, and DECLARED, that all of the Plaintiffs' denials, including those annexed to Plaintiffs' motion, of all claims for No-Fault benefits stemming from the alleged occurrence of September 25, 2018 involving BERNY CEAN, JEFFREY JOSEPH and WALTER CAMERON are valid;

and it is further,

ORDERED, ADJUDGED, and DECLARED, that LIBERTY is not obligated to honor or pay claims and/or bills for reimbursement submitted by Defendants JEFFREY JOSEPH, WALTER CAMERON, BERNY CEAN, ACUCARE4U ACUPUNCTURE LLC, ANANTHAKUMAR THILLAINATHAN MD, AZNY CHIROPRACTIC P.C., BACK PAIN CHIROPRACTIC P.C., BROOKLYN FAMILY MEDICINE LLC, BROOKLYN MCDONALD MEDICAL CARE PLLC, CARESOFT LEASING CORP, COMFORT PHYSICAL THERAPY, PLLC, ETERNITY PHYSICAL THERAPY P.C., FIVE BOROUGH SUPPLY INC, FLORID LEISURE ACUPUNCTURE P.C., FRANK SAUCHELLI MD, HANWOL PHYSICAL THERAPY P.C., HARVEY R. MANES, M.D., P.C., JOEUN CHIROPRACTIC SPINE CARE, LOUIS-JACQUES NADJA NP, LOUIS VASTOLA DC, MAURO CHIROPRACTIC P.C., MYOCARE PT P.C., NEW IMAGE CHIROPRACTIC P.C., NEW PORT ACUPUNCTURE P.C., NEW YORK CORE CHIROPRACTIC P.C., NY QUEENS PHYSICAL THERAPY P.C., OPUS PSYCHOLOGICAL SERVICES P.C., RED OAK MEDICAL P.C., SINGH PT PLLC, SYNERGY MEDICAL LABORATORIES INC, and WELLNESS DIAGNOSTIC IMAGING P.C. under Liberty Policy No. AOS 2280181717, nor is LIBERTY required to provide, pay, honor,

or reimburse any claims set forth herein, in any current, pending or future proceedings, including but not limited to cases in any court of the State of New York and/or arbitrations proceeding seeking to recover no-fault benefits arising under Liberty Policy No. AOS 2280181717 from the alleged occurrence of September 25, 2018 involving BERNY CEAN, JEFFREY JOSEPH and WALTER CAMERON;

and it is further,

ORDERED, ADJUDGED and DECLARED that this Judgement does not apply to answering defendants, NYRX PHARMACY INC.; AK GLOBAL SUPPLY CORP.; LONGEVITY MEDICAL SUPPLY INC.; GAO ACUPUNCTURE PC and MICHELE B. GLIPSY.

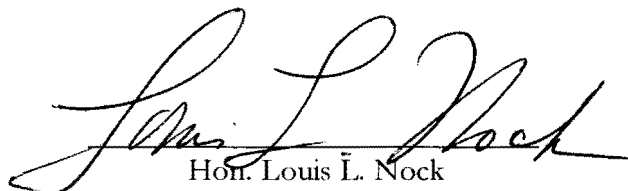
ORDERED, ADJUDGED, and DECLARED, that the Plaintiffs serve this signed order upon all parties within 10 days; and

THIS CONSTITUTES THE JUDGMENT AND ORDER OF THIS COURT.

Dated: New York, New York

~~March 12, 2020~~

March 17, 2021


Hon. Louis L. Nock
Justice, Supreme Court

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