

Liberty Mut. Ins. Co. v Richards
2021 NY Slip Op 31103(U)
April 5, 2021
Supreme Court, New York County
Docket Number: 657485/2019
Judge: Louis L. Nock
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SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

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LIBERTY MUTUAL INSURANCE COMPANY and
AMERICAN STATES PREFERRED INSURANCE
COMPANY,

Plaintiffs,

-against-

CLIFF RICHARDS,

Individual Defendant,

and

KEVIN H. WEINER MD PC,
KINGSBROOK JEWISH MEDICAL CENTER,
LAKEVIEW CHIROPRACTIC PC,
MATTHEW PERRY DPT,
NY PHYSICAL THERAPY & WELLNESS dba NY PHYSICAL
THERAPY & WELLNESS, EAST MEADOW PLLC,
ORLIN & COHEN ORTHOPEDIC ASSOCIATES, LLC dba
ORLIN & COHEN MEDICAL SPECIALIST,
RADADVANTAGE APC,
REHAB SYNERGY PT PC,
RN CHIROPRACTIC PC,
STAND-UP MRI OF CARLE PLACE PC, and
ZWANGER AND PESIRI RADIOLOGY

Medical Provider Defendants
Collectively, The Defendants.

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ORDER/JUDGMENT

Index #: 657485/2019

Upon reading and filing of Plaintiffs, LIBERTY MUTUAL INSURANCE COMPANY and AMERICAN STATES PREFERRED INSURANCE COMPANY (hereinafter, "LIBERTY") notice of motion and the affirmation of Nicole M. Bynum, Esq. dated November 16, 2020, 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 default judgment is granted as against the Defendants: CLIFF RICHARDS; KEVIN H. WEINER MD PC; KINGSBROOK JEWISH MEDICAL CENTER; LAKEVIEW CHIROPRACTIC PC; MATTHEW PERRY DPT; NY PHYSICAL THERAPY & WELLNESS dba NY PHYSICAL THERAPY & WELLNESS, EAST MEADOW PLLC; ORLIN & COHEN ORTHOPEDIC ASSOCIATES, LLC dba ORLIN & COHEN MEDICAL SPECIALIST; RADADVANTAGE APC; RN CHIROPRACTIC PC; STAND-UP MRI OF CARLE PLACE PC; and ZWANGER AND PESIRI RADIOLOGY;

and it is further,

ORDERED, ADJUDGED, and DECLARED, that a Stipulation of Discontinuance was previously filed as to Defendant, REHAB SYNERGY PT PC;

and it is further,

ORDERED, ADJUDGED, and DECLARED, that each and every part of any arbitration or court hearing brought by CLIFF RICHARDS; KEVIN H. WEINER MD PC; KINGSBROOK JEWISH MEDICAL CENTER; LAKEVIEW CHIROPRACTIC PC; MATTHEW PERRY DPT; NY PHYSICAL THERAPY & WELLNESS dba NY PHYSICAL THERAPY & WELLNESS, EAST MEADOW PLLC; ORLIN & COHEN ORTHOPEDIC ASSOCIATES, LLC dba ORLIN & COHEN MEDICAL SPECIALIST; RADADVANTAGE APC; RN CHIROPRACTIC PC; STAND-UP MRI OF CARLE PLACE PC; and ZWANGER AND PESIRI RADIOLOGY; stemming from the alleged occurrence of November 29, 2018 involving Cliff Richards is permanently STAYED;

and it is further,

ORDERED, ADJUDGED, and DECLARED, that Defendants, CLIFF RICHARDS; KEVIN H. WEINER MD PC; KINGSBROOK JEWISH MEDICAL CENTER; LAKEVIEW

CHIROPRACTIC PC; MATTHEW PERRY DPT; NY PHYSICAL THERAPY & WELLNESS dba NY PHYSICAL THERAPY & WELLNESS, EAST MEADOW PLLC; ORLIN & COHEN ORTHOPEDIC ASSOCIATES, LLC dba ORLIN & COHEN MEDICAL SPECIALIST; RADADVANTAGE APC; RN CHIROPRACTIC PC; STAND-UP MRI OF CARLE PLACE PC; and ZWANGER AND PESIRI RADIOLOGY are permanently barred from bringing any arbitration or court hearing stemming from the alleged occurrence of November 29, 2018 involving Cliff Richards;

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 November 29, 2018 involving Cliff Richards 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, CLIFF RICHARDS; KEVIN H. WEINER MD PC; KINGSBROOK JEWISH MEDICAL CENTER; LAKEVIEW CHIROPRACTIC PC; MATTHEW PERRY DPT; NY PHYSICAL THERAPY & WELLNESS dba NY PHYSICAL THERAPY & WELLNESS, EAST MEADOW PLLC; ORLIN & COHEN ORTHOPEDIC ASSOCIATES, LLC dba ORLIN & COHEN MEDICAL SPECIALIST; RADADVANTAGE APC; RN CHIROPRACTIC PC; STAND-UP MRI OF CARLE PLACE PC; and ZWANGER AND PESIRI RADIOLOGY; under Policy No. F3011969, 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 Policy No. F3011969 from the alleged occurrence of November 29, 2018 involving Cliff Richards;

and it is further,

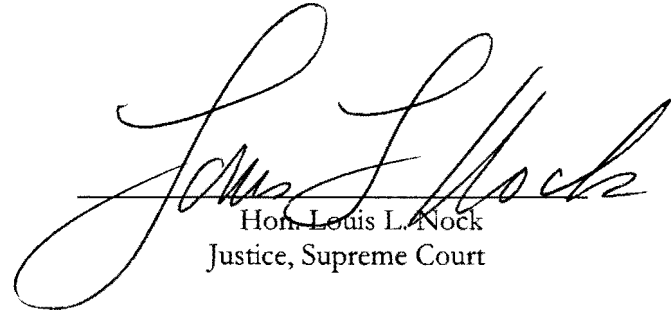
ORDERED, ADJUDGED, and DECLARED, that the Plaintiffs serve this signed order upon all parties within 10 days; and

THIS CONSTITUTES THE JUDGMENT AND ORDER OF THIS COURT.

Dated: New York, New York

April 4, 2021

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Hon. Louis L. Nock
Justice, Supreme Court