

Country-Wide Ins. Co. v Scott
2021 NY Slip Op 31127(U)
April 7, 2021
Supreme Court, New York County
Docket Number: 650487/2020
Judge: Louis L. Nock
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File No.: 19CWI009847/000326360-003
SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

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COUNTRY-WIDE INSURANCE COMPANY

Index No.: 650487/2020

Plaintiff,

- against -

JUDGMENT

LYNVILLE SCOTT

("Eligible Injured Party Defendant"),

And

ENGLINTON MEDICAL PC, REGAL ACUPUNCTURE, P.C., NEW MILLENNIUM
MEDICAL IMAGING PC, LENCO DIAGNOSTIC LABORATORY, DR. ARON ROVNER,
CECILE I FRAY MD PLLC, ARTHUR AVENUE MEDICAL SERVICES PC, BCT
MEDICAL ASSOCIATES, LIDA'S MEDICAL SUPPLY INC., RELIABLE CPM SURGICAL
SUPPLY, INC., AMBULATORY SURGICAL CENTER OF ENGLEWOOD, ASCE
ANESTHESIA, PC, DURAMED LLC, DIRECT CHIROPRACTIC CARE P.C.,
PSYCHOLOGY AFTER ACCIDENT PC, SOOD MEDICAL PRACTICE, LLC F/K/A
INTERVENTIONAL PAIN CONSULTANTS OF NORTH JERSEY, COMPREHENSIVE
MEDICAL ASSIST, P.C., TORRES-JIMENEZ, GALLERY CHIROPRACTIC, P.C., FIRST
HAND PHYSICAL THERAPY P.C., BSS MEDICAL PC, TANDINGAN PT PC, GENTLE
TOUCH CHIROPRACTIC CARE, PLLC, DIGNITY PT PC, ENGLEWOOD ORTHOPEDICS
GROUP PC

(" Medical Provider Defendants").

Defendant(s).

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HON. **HON. LOUIS L. NOCK**, J.S.C.
J.S.C.

This case arises from an automobile accident on April 26, 2017 where defendant
LYNVILLE SCOTT was involved in a motor vehicle accident while allegedly in a vehicle insured
by plaintiff, Country-Wide Insurance Company ("Plaintiff"). Defendant made a claim to Plaintiff
as a purported injured person under as insurance policy issued by Plaintiff (VS 9642339 16).

Plaintiff commenced an action on or about January 22, 2020, by the filing of a Summons and Complaint seeking a declaratory judgment against LYNVILLE SCOTT, ENGLINTON MEDICAL PC, REGAL ACUPUNCTURE, P.C., NEW MILLENNIUM MEDICAL IMAGING PC, LENCO DIAGNOSTIC LABORATORY, DR. ARON ROVNER, CECILE I FRAY MD PLLC, ARTHUR AVENUE MEDICAL SERVICES PC, BCT MEDICAL ASSOCIATES, LIDA'S MEDICAL SUPPLY INC., RELIABLE CPM SURGICAL SUPPLY, INC., AMBULATORY SURGICAL CENTER OF ENGLEWOOD, ASCE ANESTHESIA, PC, DURAMED LLC, DIRECT CHIROPRACTIC CARE P.C., PSYCHOLOGY AFTER ACCIDENT PC, SOOD MEDICAL PRACTICE, LLC F/K/A INTERVENTIONAL PAIN CONSULTANTS OF NORTH JERSEY, COMPREHENSIVE MEDICAL ASSIST, P.C., TORRES-JIMENEZ, GALLERY CHIROPRACTIC, P.C., FIRST HAND PHYSICAL THERAPY P.C., BSS MEDICAL PC, TANDINGAN PT PC, GENTLE TOUCH CHIROPRACTIC CARE, PLLC, DIGNITY PT PC, ENGLEWOOD ORTHOPEDICS GROUP PC, due to the alleged breach of contract by LYNVILLE SCOTT in failing to appear for a properly requested and scheduled Examination Under Oath. Plaintiff seeks a declaration that LYNVILLE SCOTT is not an eligible injured person entitled to no-fault benefits under the Policy, and that Plaintiff is not obligated to reimburse LYNVILLE SCOTT for alleged medical treatment, therapy and/or medical supplies rendered.

Plaintiff now moves for a default judgment pursuant to CPLR § 3215 against, LYNVILLE SCOTT, ENGLINTON MEDICAL PC, NEW MILLENNIUM MEDICAL IMAGING PC, LENCO DIAGNOSTIC LABORATORY, CECILE I FRAY MD PLLC, LIDA'S MEDICAL SUPPLY INC., AMBULATORY SURGICAL CENTER OF ENGLEWOOD, ASCE ANESTHESIA, PC, DURAMED LLC, DIRECT CHIROPRACTIC CARE P.C., SOOD

2

MEDICAL PRACTICE, LLC F/K/A INTERVENTIONAL PAIN CONSULTANTS OF NORTH JERSEY, TORRES-JIMENEZ, GALLERY CHIROPRACTIC, P.C., FIRST HAND PHYSICAL THERAPY P.C., GENTLE TOUCH CHIROPRACTIC CARE, PLLC, and DIGNITY PT PC. No opposition is submitted.

Plaintiff submits affidavits of service showing service upon LYNVILLE SCOTT on February 11, 2020 and the Medical Provider Defendants on January 29, 2020, January 31, 2020, February 4, 2020, and February 6, 2020. Plaintiff submits the affidavit of Jessica Mena-Sibrian, who is employed as a No-fault litigation/Arbitration Supervisor and the affidavit of Annie Persaud f/k/a Fatima Zuhra, the EUO Clerk at Country-Wide Insurance Company, in support of Plaintiff's motion for default judgment.

WHEREFORE, it is hereby,

ORDERED that Plaintiff's motion for default judgment against, LYNVILLE SCOTT, ENGLINTON MEDICAL PC, NEW MILLENNIUM MEDICAL IMAGING PC, LENCO DIAGNOSTIC LABORATORY, CECILE I FRAY MD PLLC, LIDA'S MEDICAL SUPPLY INC., AMBULATORY SURGICAL CENTER OF ENGLEWOOD, ASCE ANESTHESIA, PC, DURAMED LLC, DIRECT CHIROPRACTIC CARE P.C., SOOD MEDICAL PRACTICE, LLC F/K/A INTERVENTIONAL PAIN CONSULTANTS OF NORTH JERSEY, TORRES-JIMENEZ, GALLERY CHIROPRACTIC, P.C., FIRST HAND PHYSICAL THERAPY P.C., GENTLE TOUCH CHIROPRACTIC CARE, PLLC, and DIGNITY PT PC, is granted; and it is further,

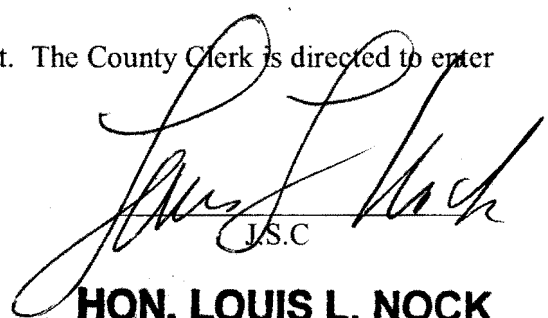
ORDERED and ADJUDGED that on the first cause of action Plaintiff owes no duty to Defendants, LYNVILLE SCOTT, ENGLINTON MEDICAL PC, NEW MILLENNIUM MEDICAL IMAGING PC, LENCO DIAGNOSTIC LABORATORY, CECILE I FRAY MD

PLLC, LIDA'S MEDICAL SUPPLY INC., AMBULATORY SURGICAL CENTER OF ENGLEWOOD, ASCE ANESTHESIA, PC, DURAMED LLC, DIRECT CHIROPRACTIC CARE P.C., SOOD MEDICAL PRACTICE, LLC F/K/A INTERVENTIONAL PAIN CONSULTANTS OF NORTH JERSEY, TORRES-JIMENEZ, GALLERY CHIROPRACTIC, P.C., FIRST HAND PHYSICAL THERAPY P.C., GENTLE TOUCH CHIROPRACTIC CARE, PLLC, and DIGNITY PT PC, to pay No-Fault claims submitted in relation to the April 26, 2017 loss, Claim No.: 000326360-003, Policy.: VS9642339 16, referenced in the complaint involving LYNVILLE SCOTT, and it is further,

ORDERED and ADJUDGED that on the second cause of action that all arbitrations, lawsuits and enforcement of awards or judgments in connection with the April 26, 2017 loss, Claim No.: 000326360-003, Policy.: VS9642339 16, referenced in the complaint involving LYNVILLE SCOTT are hereby permanently stayed.

This constitutes the decision and order of the court. The County Clerk is directed to enter Judgment accordingly.

Dated: 4/7/21


J.S.C.
HON. LOUIS L. NOCK
J.S.C.

4