

<b>Liberty Mut. Ins. Co. v Council</b>
2021 NY Slip Op 31330(U)
April 20, 2021
Supreme Court, New York County
Docket Number: 650418/2020
Judge: Kathy J. King
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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 INSURANCE COMPANY,

Plaintiffs,

**JUDGMENT**

-against-

Index #: 650418/2020

ERIC COUNCIL  
JEANEDDY DALICE  
CLIFFORD DAMAS  
GRAYGOUCHY JOSEPH

Individual Defendants,

-and-

3RD AVE CHIROPRACTIC PC  
ACTIVE MEDICAL CARE PC  
ATLAS RADIOLOGY PC  
CADENCE PHYSICAL THERAPY PC  
HOLE IN ONE PHYSICAL THERAPY PC  
INTEGRATED CHIROPRACTIC PC  
JOHN T RIGNEY MD  
NORTH FLUSHING ACUPUNCTURE PC  
NU HEALTH ACUPUNCTURE PC  
PERFORMANCE CHIROPRACTIC PC  
QUALITY MEDICAL & SURGICAL SUPPLIES LLC  
QUEENS ARTHROSCOPY & SPORTS MEDICINE PC  
SIXTH BOROUGH MEDICAL LLC  
SL MEDICAL CARE PC  
STRUCTURAL SYNERGY PHYSICAL THERAPY PC  
T.S. CHIROPRACTIC WELLNESS PC  
VALLABH MEDICAL PC  
VANGUARD MEDICAL PC

Medical Provider Defendants  
Collectively, The Defendants

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Upon reading and filing of Plaintiffs, LIBERTY MUTUAL INSURANCE COMPANY  
and AMERICAN STATES INSURANCE COMPANY (hereinafter, "LIBERTY") notice of

motion and the affirmation of Nicole M. Bynum, Esq. dated August 17, 2020, together with the exhibits annexed thereto, submitted in support of Plaintiffs' motion to enter default judgment with no opposition thereto, and upon the Decision and Order of the Court entered by the Clerk on April 14, 2021 and attached hereto as Exhibit "A", it is hereby:

**ORDERED, ADJUDGED, and DECLARED**, that Plaintiffs' motion for default judgment is granted as against the Non-Answering Defendants: ERIC COUNCIL; JEANEDDY DALICE; CLIFFORD DAMAS; GRAYGOUCHY JOSEPH; 3RD AVE CHIROPRACTIC ,PC.; ATLAS RADIOLOGY, PC.; CADENCE PHYSICAL THERAPY, PC.; HOLE IN ONE PHYSICAL THERAPY, PC.; INTEGRATED CHIROPRACTIC, PC.; JOHN T RIGNEY MD; NORTH FLUSHING ACUPUNCTURE, PC.; NU HEALTH ACUPUNCTURE, PC.; QUALITY MEDICAL & SURGICAL SUPPLIES, LLC; QUEENS ARTHROSCOPY & SPORTS MEDICINE, PC; SIXTH BOROUGH MEDICAL, LLC; SL MEDICAL CARE, PC; STRUCTURAL SYNERGY PHYSICAL THERAPY, PC; T.S. CHIROPRACTIC WELLNESS PC.; VALLABH MEDICAL, PC. and VANGUARD MEDICAL, PC;

**and it is further,**

**ORDERED, ADJUDGED, and DECLARED**, that a Stipulation of Discontinuance was filed as to Defendants, ACTIVE MEDICAL CARE PC and PERFORMANCE CHIROPRACTIC PC;

**and it is further,**

**ORDERED, ADJUDGED, and DECLARED**, that each and every part of any arbitration or court hearing brought by ERIC COUNCIL; JEANEDDY DALICE; CLIFFORD DAMAS; GRAYGOUCHY JOSEPH; 3RD AVE CHIROPRACTIC ,PC.; ATLAS RADIOLOGY, PC.; CADENCE PHYSICAL THERAPY, PC.; HOLE IN ONE PHYSICAL THERAPY, PC.;

INTEGRATED CHIROPRACTIC, PC.; JOHN T RIGNEY MD; NORTH FLUSHING ACUPUNCTURE, PC.; NU HEALTH ACUPUNCTURE, PC.; QUALITY MEDICAL & SURGICAL SUPPLIES, LLC; QUEENS ARTHROSCOPY & SPORTS MEDICINE, PC; SIXTH BOROUGH MEDICAL, LLC; SL MEDICAL CARE, PC; STRUCTURAL SYNERGY PHYSICAL THERAPY, PC; T.S. CHIROPRACTIC WELLNESS PC.; VALLABH MEDICAL, PC. and VANGUARD MEDICAL, PC; stemming from the alleged occurrence of April 7, 2019 involving ERIC COUNCIL, JEANEDDY DALICE, CLIFFORD DAMAS and GRAYGOUCHY JOSEPH is permanently STAYED;

**and it is further,**

**ORDERED, ADJUDGED, and DECLARED,** that Defendants, ERIC COUNCIL; JEANEDDY DALICE; CLIFFORD DAMAS; GRAYGOUCHY JOSEPH; 3RD AVE CHIROPRACTIC ,PC.; ATLAS RADIOLOGY, PC.; CADENCE PHYSICAL THERAPY, PC.; HOLE IN ONE PHYSICAL THERAPY, PC.; INTEGRATED CHIROPRACTIC, PC.; JOHN T RIGNEY MD; NORTH FLUSHING ACUPUNCTURE, PC.; NU HEALTH ACUPUNCTURE, PC.; QUALITY MEDICAL & SURGICAL SUPPLIES, LLC; QUEENS ARTHROSCOPY & SPORTS MEDICINE, PC; SIXTH BOROUGH MEDICAL, LLC; SL MEDICAL CARE, PC; STRUCTURAL SYNERGY PHYSICAL THERAPY, PC; T.S. CHIROPRACTIC WELLNESS PC.; VALLABH MEDICAL, PC. and VANGUARD MEDICAL, PC; are permanently barred from bringing any arbitration or court hearing stemming from the alleged occurrence of April 7, 2019 involving ERIC COUNCIL, JEANEDDY DALICE, CLIFFORD DAMAS and GRAYGOUCHY JOSEPH;

**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 April 7, 2019 involving , ERIC COUNCIL, JEANEDDY DALICE, CLIFFORD DAMAS and GRAYGOUCHY JOSEPH 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, ERIC COUNCIL; JEANEDDY DALICE; CLIFFORD DAMAS; GRAYGOUCHY JOSEPH; 3RD AVE CHIROPRACTIC ,PC.; ATLAS RADIOLOGY, PC.; CADENCE PHYSICAL THERAPY, PC.; HOLE IN ONE PHYSICAL THERAPY, PC.; INTEGRATED CHIROPRACTIC, PC.; JOHN T RIGNEY MD; NORTH FLUSHING ACUPUNCTURE, PC.; NU HEALTH ACUPUNCTURE, PC.; QUALITY MEDICAL & SURGICAL SUPPLIES, LLC; QUEENS ARTHROSCOPY & SPORTS MEDICINE, PC; SIXTH BOROUGH MEDICAL, LLC; SL MEDICAL CARE, PC; STRUCTURAL SYNERGY PHYSICAL THERAPY, PC; T.S. CHIROPRACTIC WELLNESS PC.; VALLABH MEDICAL, PC. and VANGUARD MEDICAL, PC; under Policy No. K3381532, 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. K3381532 from the alleged occurrence of April 7, 2019 involving ERIC COUNCIL, JEANEDDY DALICE, CLIFFORD DAMAS and GRAYGOUCHY JOSEPH;

**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 20, 2021**

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Hon. Kathy J. King  
Justice, Supreme Court