

Country-Wide Ins. Co. v Clesidor

2021 NY Slip Op 31381(U)

April 13, 2021

Supreme Court, New York County

Docket Number: 650362/2020

Judge: Melissa A. Crane

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This opinion is uncorrected and not selected for official publication.

File No.: 19CWI008789/000344472-001
SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

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COUNTRY-WIDE INSURANCE COMPANY

Index No.: 650362/2020

Plaintiff,
- against -

Judgment

BELINDA CLESIDOR

("Eligible Injured Party Defendant"),

And

RIU CHIROPRACTIC, P.C.,
LONGEVITY MEDICAL SUPPLY, INC.,
CITIMEDICAL I, PLLC,
NEW SENSE ACUPUNCTURE PC,
RIDGWOOD DIAGNOSTIC LABORATORY, LLC,
DOS MANOS CHIROPRACTIC PC,
QUAZI T RAHMAN,
RAD SUPPLY INC,
LIDA PHYSICAL THERAPY & ACUPUNCTURE PLLC,
WELLNESS PHYSICAL THERAPY REHABILITATION PLLC,
CROSSTOWN CHIROPRACTIC, P.C.,
JA PHYSICAL THERAPY, P.C.,
and TRIBORO MEDICAL SERVICES, P.C.

("Medical Provider Defendants").

Defendant(s)
-----X
HON. MELISSA A. CRANE
J.S.C.

HON. _____, J.S.C

This case arises from an automobile accident on May 20, 2019 where defendant BELINDA CLESIDOR 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 (RS-815345519).

Plaintiff commenced an action on or about January 16, 2020, by the filing of a Summons and Complaint. Plaintiff filed its Amended Summons and Amended Complaint on November 25, 2020, seeking a declaratory judgment against BELINDA CLESIDOR, RIU CHIROPRACTIC, P.C., LONGEVITY MEDICAL SUPPLY, INC., CITIMEDICAL I, PLLC, NEW SENSE ACUPUNCTURE PC, RIDGEWOOD DIAGNOSTIC LABORATORY, LLC, DOS MANOS CHIROPRACTIC PC, QUAZI T RAHMAN, RAD SUPPLY INC, LIDA PHYSICAL THERAPY & ACUPUNCTURE PLLC, WELLNESS PHYSICAL THERAPY REHABILITATION PLLC, CROSSTOWN CHIROPRACTIC, P.C., JA PHYSICAL THERAPY, P.C., and TRIBORO MEDICAL SERVICES, P.C., due to the alleged breach of contract by BELINDA CLESIDOR in failing to appear for a properly requested and scheduled Independent Medical Examination. Plaintiff seeks a declaration that BELINDA CLESIDOR is not an eligible injured person entitled to no-fault benefits under the Policy, and that Plaintiff is not obligated to reimburse BELINDA CLESIDOR for alleged medical treatment, therapy and/or medical supplies rendered.

Plaintiff now moves for a default judgment pursuant to CPLR § 3215 against, BELINDA CLESIDOR, RIU CHIROPRACTIC, P.C., RIDGEWOOD DIAGNOSTIC LABORATORY, LLC, DOS MANOS CHIROPRACTIC PC, QUAZI T RAHMAN, RAD SUPPLY INC, WELLNESS PHYSICAL THERAPY REHABILITATION PLLC, CROSSTOWN CHIROPRACTIC, P.C., JA PHYSICAL THERAPY, P.C., and TRIBORO MEDICAL SERVICES, P.C. No opposition is submitted.

Plaintiff submits affidavits of service showing service upon BELINDA CLESIDOR on January 29, 2020 and the Medical Provider Defendants on January 30, 2020 and February 4, 2020. Plaintiff submits the affidavit of Kyaw Nyein, who is employed as a No-fault Claim Supervisor and the affidavit of Annie Persaud, the Administrative Assistant at the Medical Evaluations Unit

and the affidavit of Anita Megnauth, the NF Administrative Assistant in support of Plaintiff's motion for default judgment.

WHEREFORE, it is hereby,

ORDERED that Plaintiff's motion for default judgment against, BELINDA CLESIDOR, RIU CHIROPRACTIC, P.C., RIDGEWOOD DIAGNOSTIC LABORATORY, LLC, DOS MANOS CHIROPRACTIC PC, QUAZI T RAHMAN, RAD SUPPLY INC, WELLNESS PHYSICAL THERAPY REHABILITATION PLLC, CROSSTOWN CHIROPRACTIC, P.C., JA PHYSICAL THERAPY, P.C., and TRIBORO MEDICAL SERVICES, P.C. is granted; and it is further,


ORDERED and ADJUDGED that on the first cause of action Plaintiff owes no duty to Defendants, BELINDA CLESIDOR, RIU CHIROPRACTIC, P.C., RIDGEWOOD DIAGNOSTIC LABORATORY, LLC, DOS MANOS CHIROPRACTIC PC, QUAZI T RAHMAN, RAD SUPPLY INC, WELLNESS PHYSICAL THERAPY REHABILITATION PLLC, CROSSTOWN CHIROPRACTIC, P.C., JA PHYSICAL THERAPY, P.C., and TRIBORO MEDICAL SERVICES, P.C., to pay No-Fault claims submitted in relation to the May 20, 2019 loss, Claim No.: 000344472-001, Policy.: RS-815345519, referenced in the complaint involving BELINDA CLESIDOR, 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 May 20, 2019 loss, Claim No.: 000344472-001, Policy.: RS-815345519, referenced in the complaint involving BELINDA CLESIDOR, is hereby permanently stayed.

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

Judgment accordingly.

Dated: 4-13-2021



J.S.C