

Country-Wide Ins. Co. v Stevenson
2021 NY Slip Op 31452(U)
April 13, 2021
Supreme Court, New York County
Docket Number: 657794/2019
Judge: Melissa A. Crane
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File No.: 19CWI010424/000307734-001
SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

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COUNTRY-WIDE INSURANCE COMPANY

Index No.: 657794/2019

Plaintiff,
- against -

Judgment

JEANETTE STEVENSON

("Eligible Injured Party Defendant"),

And

PRO EDGE CHIROPRACTIC P.C.,
TOTAL PSYCHIATRIC MEDICAL SERVICES, P.C.,
COLUMBUS IMAGING CENTER LLC,
WINTER ACUPUNCTURE, P.C.,
FIVE STAR ORTHO PRODUCTS, INC,
ASPIRE CHIROPRACTIC, P.C.,
BAYOMY A. MOUSTAFA, P.T. P.C.,
BIG APPLE PAIN MANAGEMENT, PLLC,
FLATLANDS MEDICAL CARE, P.C.,
SIGMA MED CARE INC.,
BASEM MANSOUR P.T. P.C.,
and BASEM CARE P.T. P.C.

("Medical Provider Defendants").

Defendant(s).

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HON. MELISSA A. CRANE
HON. _____ **J.S.C.**

This case arises from an automobile accident on July 28, 2015 where defendant JEANETE STEVENSON 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 (RS8104722 15).

Plaintiff commenced an action on or about December 31, 2019, by the filing of a Summons and Complaint seeking a declaratory judgment against JEANETTE STEVENSON, PRO EDGE CHIROPRACTIC P.C., TOTAL PSYCHIATRIC MEDICAL SERVICES, P.C., COLUMBUS IMAGING CENTER LLC, WINTER ACUPUNCTURE, P.C., FIVE STAR ORTHO PRODUCTS, INC, ASPIRE CHIROPRACTIC, P.C., BAYOMY A. MOUSTAFA, P.T. P.C., BIG APPLE PAIN MANAGEMENT, PLLC, FLATLANDS MEDICAL CARE, P.C., SIGMA MED CARE INC., BASEM MANSOUR P.T. P.C., and BASEM CARE P.T. P.C., due to the alleged breach of contract by JEANETE STEVENSON in failing to appear for a properly requested and scheduled Independent Medical Examination. Plaintiff seeks a declaration that JEANETE STEVENSON is not an eligible injured person entitled to no-fault benefits under the Policy, and that Plaintiff is not obligated to reimburse JEANETE STEVENSON for alleged medical treatment, therapy and/or medical supplies rendered.

Plaintiff now moves for a default judgment pursuant to CPLR § 3215 against, PRO EDGE CHIROPRACTIC P.C., TOTAL PSYCHIATRIC MEDICAL SERVICES, P.C., COLUMBUS IMAGING CENTER LLC, WINTER ACUPUNCTURE, P.C., FIVE STAR ORTHO PRODUCTS, INC, ASPIRE CHIROPRACTIC, P.C., BAYOMY A. MOUSTAFA, P.T. P.C., BIG APPLE PAIN MANAGEMENT, PLLC, FLATLANDS MEDICAL CARE, P.C., SIGMA MED CARE INC., BASEM MANSOUR P.T. P.C., and BASEM CARE P.T. P.C.. No opposition is submitted.

Plaintiff submits affidavits of service showing service upon the Medical Provider Defendants on January 28, 2020 and February 3, 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 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, PRO EDGE CHIROPRACTIC P.C., TOTAL PSYCHIATRIC MEDICAL SERVICES, P.C., COLUMBUS IMAGING CENTER LLC, WINTER ACUPUNCTURE, P.C., FIVE STAR ORTHO PRODUCTS, INC, ASPIRE CHIROPRACTIC, P.C., BAYOMY A. MOUSTAFA, P.T. P.C., BIG APPLE PAIN MANAGEMENT, PLLC, FLATLANDS MEDICAL CARE, P.C., SIGMA MED CARE INC., BASEM MANSOUR P.T. P.C., and BASEM CARE P.T. P.C., is granted; and it is further,

ORDERED and ADJUDGED that on the first cause of action Plaintiff owes no duty to Defendants, PRO EDGE CHIROPRACTIC P.C., TOTAL PSYCHIATRIC MEDICAL SERVICES, P.C., COLUMBUS IMAGING CENTER LLC, WINTER ACUPUNCTURE, P.C., FIVE STAR ORTHO PRODUCTS, INC, ASPIRE CHIROPRACTIC, P.C., BAYOMY A. MOUSTAFA, P.T. P.C., BIG APPLE PAIN MANAGEMENT, PLLC, FLATLANDS MEDICAL CARE, P.C., SIGMA MED CARE INC., BASEM MANSOUR P.T. P.C., and BASEM CARE P.T. P.C., to pay No-Fault claims submitted in relation to the July 28, 2015 loss, Claim No.: 000307734-001, Policy.: RS8104722 15 referenced in the complaint involving JEANETE STEVENSON, 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 July 28, 2015 loss, Claim No.: 000307734-001, Policy.: RS8104722 15 referenced in the complaint involving JEANETE STEVENSON, 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