

Country-Wide Ins. Co. v Sanchez
2021 NY Slip Op 31735(U)
May 20, 2021
Supreme Court, New York County
Docket Number: 650321/2020
Judge: Debra A. James
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File No.: 20CW1000068/000337702-001
SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

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COUNTRY-WIDE INSURANCE COMPANY

Index No.: 650321/2020

Plaintiff,

- against -

Judgment

ORLANDO SANCHEZ

("Eligible Injured Party Defendant"),

And

METROPOLITAN MEDICAL & SURGICAL PC
NEW SENSE ACUPUNCTURE PC
NARRA CHIROPRACTIC PC
ADVANCED SPINAL CARE REHABILITATION PA
HEALTHPLUS SURGERY CENTER, LLC
RAPID IMAGING CORP.
SPINAL HEALTH CHIROPRACTIC, P.C.
ROBERT P. LUCA DC
HUDSON REGIONAL HOSPITAL
PREMIER ANESTHESIA ASSOCIATES
NEW YORK CORE CHIROPRACTIC PC
SUTPHIN SUPPLY INC
and CONEY ISLAND PSYCHOLOGY PC

("Medical Provider Defendants").

Defendant(s).

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HON. **DEBRA A. JAMES**, J.S.C

This case arises from an automobile accident on June 6, 2018 where defendant ORLANDO SANCHEZ 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 (RT 7089757 18).

Plaintiff commenced an action on or about January 15, 2020, by the filing of a Summons and Complaint seeking a declaratory judgment against ORLANDO SANCHEZ, METROPOLITAN MEDICAL & SURGICAL PC, NEW SENSE ACUPUNCTURE PC, NARRA CHIROPRACTIC PC, ADVANCED SPINAL CARE REHABILITATION PA, HEALTHPLUS SURGERY CENTER, LLC, RAPID IMAGING CORP., SPINAL HEALTH CHIROPRACTIC, P.C., ROBERT P. LUCA DC, HUDSON REGIONAL HOSPITAL, PREMIER ANESTHESIA ASSOCIATES, NEW YORK CORE CHIROPRACTIC PC, SUTPHIN SUPPLY INC, and CONEY ISLAND PSYCHOLOGY PC, due to the alleged breach of contract by ORLANDO SANCHEZ in failing to appear for a properly requested and scheduled Independent Medical Examination. Plaintiff seeks a declaration that ORLANDO SANCHEZ is not an eligible injured person entitled to no-fault benefits under the Policy, and that Plaintiff is not obligated to reimburse ORLANDO SANCHEZ for alleged medical treatment, therapy and/or medical supplies rendered.

Plaintiff now moves for a default judgment pursuant to CPLR § 3215 against, ORLANDO SANCHEZ, METROPOLITAN MEDICAL & SURGICAL PC, NARRA CHIROPRACTIC PC, ADVANCED SPINAL CARE REHABILITATION PA, HEALTHPLUS SURGERY CENTER, LLC, SPINAL HEALTH CHIROPRACTIC, P.C., ROBERT P. LUCA DC, HUDSON REGIONAL HOSPITAL, PREMIER ANESTHESIA ASSOCIATES, NEW YORK CORE CHIROPRACTIC PC, SUTPHIN SUPPLY INC, and CONEY ISLAND PSYCHOLOGY PC. No opposition is submitted.

Plaintiff submits affidavits of service showing service upon ORLANDO SANCHEZ on February 26, 2020 and the Medical Provider Defendants on February 5, 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, 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, ORLANDO SANCHEZ, METROPOLITAN MEDICAL & SURGICAL PC, NARRA CHIROPRACTIC PC, ADVANCED SPINAL CARE REHABILITATION PA, HEALTHPLUS SURGERY CENTER, LLC, SPINAL HEALTH CHIROPRACTIC, P.C., ROBERT P. LUCA DC, HUDSON REGIONAL HOSPITAL, PREMIER ANESTHESIA ASSOCIATES, NEW YORK CORE CHIROPRACTIC PC, SUTPHIN SUPPLY INC, and CONEY ISLAND PSYCHOLOGY PC, is granted; and it is further,

ORDERED and ADJUDGED that on the first cause of action Plaintiff owes no duty to Defendants, ORLANDO SANCHEZ, METROPOLITAN MEDICAL & SURGICAL PC, NARRA CHIROPRACTIC PC, ADVANCED SPINAL CARE REHABILITATION PA, HEALTHPLUS SURGERY CENTER, LLC, SPINAL HEALTH CHIROPRACTIC, P.C., ROBERT P. LUCA DC, HUDSON REGIONAL HOSPITAL, PREMIER ANESTHESIA ASSOCIATES, NEW YORK CORE CHIROPRACTIC PC, SUTPHIN SUPPLY INC, and CONEY ISLAND PSYCHOLOGY PC, to pay No-Fault claims submitted in relation to the June 6, 2018 loss, Claim No.: 000337702-001, Policy.: RT 7089757 18, referenced in the complaint involving ORLANDO SANCHEZ , 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 June 6, 2018 loss, Claim No.: 000337702-001, Policy.: RT 7089757 18, referenced in the complaint involving ORLANDO

SANCHEZ , is hereby permanently stayed.

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

Dated: MAY 20 2021


DEBRA A. JAMES J.S.C