

Country-Wide Ins. Co. v Torres
2021 NY Slip Op 31794(U)
May 25, 2021
Supreme Court, New York County
Docket Number: 650574/2020
Judge: Debra A. James
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SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTYPRESENT: HON. DEBRA A. JAMES

PART

IAS MOTION 59EFM

Justice

-----X

COUNTRY-WIDE INSURANCE COMPANY,

Plaintiff,

INDEX NO. 650574/2020MOTION DATE 12/22/2020MOTION SEQ. NO. 001

- v -

LUIS TORRES, ADVANCED RADIOLOGICAL IMAGING ASSOCIATES, P.C., MSHQ EMERGENCY CARE ASSOCIATES, MT. SINAI HOSPITAL OF QUEENS, PHYSICAL MED AND REHAB OF NY PC, YELLOWSTONE MEDICAL REHABILITATION P.C., INJURED WORKERS PHARMACY LLC, KATZMAN ORTHOPEDICS PC, HILLSIDE SURGICARE, M & M MEDICAL PC, LUKEV PAIN MANAGEMENT P.C., MCCULLOCH ORTHOPEDIC SURGICAL SERVICES, Lenco DIAGNOSTIC LABORATORY, NEW HORIZON SURGICAL CENTER LLC, AAAMG LEASING CORP., CHIROPRACTIC PAIN SOLUTION P.C., JSJ ANESTHESIA PAIN MANAGEMENT, PLLC, CYPRESS ACUPUNCTURE P.C., HORIZON ANESTHESIA GROUP, PC, PHAMATECH INCORPORATED, PHAMATECH MD AMERICA, PRECISION IMAGING OF NEW YORK, CRAIG GRANOVSKY DC, 21ST CENTURY PHARMACY, METROPOLITAN SURGICAL SERVICES, LLC, MK DME INC., NEW YORK RADIOLOGY, P.C., UNIVERSAL DIAGNOSTICS LLC & ISLAND AMBULATORY SURGERY CENTER, LLC,

Defendants.

DECISION + ORDER ON
MOTION

The following e-filed documents, listed by NYSCEF document number (Motion 001) 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45

were read on this motion to

JUDGMENT - DEFAULTORDER

Upon the foregoing documents,

ORDERED and ADJUDGED that plaintiff's motion for a default judgment against defendants LUIS TORRES, ADVANCED RADIOLOGICAL IMAGING ASSOCIATES, P.C., MSHQ EMERGENCY CARE ASSOCIATES, MT.

SINAI HOSPITAL OF QUEENS, PHYSICAL MED AND REHAB OF NY PC,
YELLOWSTONE MEDICAL REHABILITATION P.C., INJURED WORKERS
PHARMACY LLC, KATZMAN ORTHOPEDICS PC, HILLSIDE SURGICARE, M & M
MEDICAL PC, LUKEV PAIN MANAGEMENT P.C., MCCULLOCH ORTHOPEDIC
SURGICAL SERVICES, Lenco DIAGNOSTIC LABORATORY, NEW HORIZON
SURGICAL CENTER LLC, AAAMG LEASING CORP., CHIROPRACTIC PAIN
SOLUTION P.C., JSJ ANESTHESIA PAIN MANAGEMENT, PLLC, CYPRESS
ACUPUNCTURE P.C., HORIZON ANESTHESIA GROUP, PC, PRECISION
IMAGING OF NEW YORK, CRAIG GRANOVSKY DC, 21ST CENTURY PHARMACY,
METROPOLITAN SURGICAL SERVICES, LLC, MK DME INC., NEW YORK
RADIOLOGY, P.C., UNIVERSAL DIAGNOSTICS LLC & ISLAND AMBULATORY
SURGERY CENTER, LLC is GRANTED on default; and it is further

ORDERED, ADJUDGED and DECLARED that plaintiff COUNTRY-WIDE
INSURANCE COMPANY is not obligated to honor or pay claims for
reimbursement as assignees of LUIS TORRES to ADVANCED
RADIOLOGICAL IMAGING ASSOCIATES, P.C., MSHQ EMERGENCY CARE
ASSOCIATES, MT. SINAI HOSPITAL OF QUEENS, PHYSICAL MED AND REHAB
OF NY PC, YELLOWSTONE MEDICAL REHABILITATION P.C., INJURED
WORKERS PHARMACY LLC, KATZMAN ORTHOPEDICS PC, HILLSIDE
SURGICARE, M & M MEDICAL PC, LUKEV PAIN MANAGEMENT P.C.,
MCCULLOCH ORTHOPEDIC SURGICAL SERVICES, Lenco DIAGNOSTIC
LABORATORY, NEW HORIZON SURGICAL CENTER LLC, AAAMG LEASING
CORP., CHIROPRACTIC PAIN SOLUTION P.C., JSJ ANESTHESIA PAIN
MANAGEMENT, PLLC, CYPRESS ACUPUNCTURE P.C., HORIZON ANESTHESIA

GROUP, PC, PRECISION IMAGING OF NEW YORK, CRAIG GRANOVSKY DC, 21ST CENTURY PHARMACY, METROPOLITAN SURGICAL SERVICES, LLC, MK DME INC., NEW YORK RADIOLOGY, P.C., UNIVERSAL DIAGNOSTICS LLC & ISLAND AMBULATORY SURGERY CENTER, LLC and that the defaulting defendants have no rights to litigate or arbitrate for No-Fault benefits with respect to the February 10, 2015 alleged accident.

DECISION

Plaintiff COUNTRY-WIDE INSURANCE COMPANY in this declaratory judgment action moves for a default judgment for the relief demanded in the Complaint pursuant to CPLR 3215 based upon the failure of defendants LUIS TORRES, ADVANCED RADIOLOGICAL IMAGING ASSOCIATES, P.C., MSHQ EMERGENCY CARE ASSOCIATES, MT. SINAI HOSPITAL OF QUEENS, PHYSICAL MED AND REHAB OF NY PC, YELLOWSTONE MEDICAL REHABILITATION P.C., INJURED WORKERS PHARMACY LLC, KATZMAN ORTHOPEDICS PC, HILLSIDE SURGICARE, M & M MEDICAL PC, LUKEV PAIN MANAGEMENT P.C., MCCULLOCH ORTHOPEDIC SURGICAL SERVICES, LENCO DIAGNOSTIC LABORATORY, NEW HORIZON SURGICAL CENTER LLC, AAAMG LEASING CORP., CHIROPRACTIC PAIN SOLUTION P.C., JSJ ANESTHESIA PAIN MANAGEMENT, PLLC, CYPRESS ACUPUNCTURE P.C., HORIZON ANESTHESIA GROUP, PC, PRECISION IMAGING OF NEW YORK, CRAIG GRANOVSKY DC, 21ST CENTURY PHARMACY, METROPOLITAN SURGICAL SERVICES, LLC, MK DME INC., NEW YORK RADIOLOGY, P.C., UNIVERSAL DIAGNOSTICS LLC & ISLAND AMBULATORY SURGERY CENTER, LLC to answer or appear. A

stipulation of discontinuance dated March 11, 2020 withdraws the motion against defendant PHAMATECH INCORPORATED.

Plaintiff has submitted proof of service of the summons and complaint and proof of service of this motion upon the defendants. Defendants have defaulted in appearance on this motion. Plaintiff has further submitted an affidavit of facts pursuant to CPLR 3215 (f), as well as evidence of the default of defendants by attorney affirmation. Plaintiff has also submitted proof of the additional mailings of the summons required by CPLR 3215(g)(4). This motion is brought within one year of the default. The court shall therefore grant a declaratory judgment on default against the defendants for the relief sought in the Complaint.

5/25/2021

DATE

CHECK ONE:

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CASE DISPOSED

☒

GRANTED

☐

DENIED

APPLICATION:

☐

SETTLE ORDER

CHECK IF APPROPRIATE:

☐

INCLUDES TRANSFER/REASSIGN

☐

NON-FINAL DISPOSITION

☐

GRANTED IN PART

☐

SUBMIT ORDER

☐

FIDUCIARY APPOINTMENT

☐

OTHER

☐

REFERENCE

Debra A. James
DEBRA A. JAMES, J.S.C.