

Hereford Ins. Co. v Access Care PT P.C.

2021 NY Slip Op 32781(U)

December 17, 2021

Supreme Court New York County

Docket Number: Index No. 651471/2020

Judge: Debra A. James

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This opinion is uncorrected and not selected for official publication.

**SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY**

PRESENT: HON. DEBRA JAMES PART 59

Justice

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HEREFORD INSURANCE COMPANY,

Plaintiff,

INDEX NO. 651471/2020
MOTION DATE 7/02/2021
MOTION SEQ. NO. 001

- v -

ACCESS CARE PT P.C., ANDREW DOWD, BRITTANY GRANT, BRONX MEDICAL DIAGNOSTIC, P.C., CENTER FOR NEURORESTORATIVE MEDICINE, DOWNTOWN BRONX MEDICAL ASSOCIATES, P.C., ENS MEDICAL, P.C., INEW REHAB PHYSICAL THERAPY P.C., JEFFERSON HEALTHCARE SUPPLIES LLC, JORDAN FERSEL, LIFE CHIROPRACTIC P.C., LINCOLN HOSPITAL, M & D ELITE PHARMACY, LLC, METROPOLITAN MEDICAL & SURGICAL P.C. A/K/A METROPOLITAN MEDICAL AND SURGICAL P.C., PERLOFF PHYSICAL THERAPY, P.C., PI CHIROPRACTIC PC, PROMETHEUS IMAGING, LLC, R. ZAKARIA PHYSICIAN PLLC, WELCOME ACUPUNCTURE P.C., BRUCE WILLIAMS, ISADORE MARTINEZ and SEBASTIAN RAJOPA,

DECISION + ORDER ON MOTION

Defendants.

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The following e-filed documents, listed by NYSCEF document number (Motion 001) 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41

were read on this motion for JUDGMENT - DEFAULT

ORDER

Upon the foregoing documents,

ORDERED and ADJUDGED that plaintiff's motion for a default judgment against defendants ACCESS CARE PT P.C., ANDREW DOWD, BRITTANY GRANT, BRONX MEDICAL DIAGNOSTIC, P.C., CENTER FOR NEURORESTORATIVE MEDICINE, DOWNTOWN BRONX MEDICAL ASSOCIATES, P.C., INEW REHAB PHYSICAL THERAPY P.C., JEFFERSON HEALTHCARE SUPPLIES LLC, JORDAN FERSEL, LINCOLN HOSPITAL, M & D ELITE

PHARMACY, LLC, METROPOLITAN MEDICAL & SURGICAL P.C. A/K/A METROPOLITAN MEDICAL AND SURGICAL P.C., PERLOFF PHYSICAL THERAPY, P.C., PI CHIROPRACTIC PC, PROMETHEUS IMAGING, LLC, R. ZAKARIA PHYSICIAN PLLC, WELCOME ACUPUNCTURE P.C., BRUCE WILLIAMS, ISADORE MARTINEZ and SEBASTIAN RAJOPA is GRANTED on default; and it is further

ORDERED, ADJUDGED and DECLARED that plaintiff HEREFORD INSURANCE COMPANY is not obligated to honor or pay claims for reimbursement as assignees of BRUCE WILLIAMS, ISADORE MARTINEZ and SEBASTIAN RAJOPA to ACCESS CARE PT P.C., ANDREW DOWD, BRITTANY GRANT, BRONX MEDICAL DIAGNOSTIC, P.C., CENTER FOR NEURORESTORATIVE MEDICINE, DOWNTOWN BRONX MEDICAL ASSOCIATES, P.C., INEW REHAB PHYSICAL THERAPY P.C., JEFFERSON HEALTHCARE SUPPLIES LLC, JORDAN FERSEL, LINCOLN HOSPITAL, M & D ELITE PHARMACY, LLC, METROPOLITAN MEDICAL & SURGICAL P.C. A/K/A METROPOLITAN MEDICAL AND SURGICAL P.C., PERLOFF PHYSICAL THERAPY, P.C., PI CHIROPRACTIC PC, PROMETHEUS IMAGING, LLC, R. ZAKARIA PHYSICIAN PLL and WELCOME ACUPUNCTURE P.C. and that the defaulting defendants have no rights to litigate or arbitrate for No-Fault benefits with respect to the May 14, 2019 alleged accident involving BRUCE WILLIAMS, ISADORE MARTINEZ and SEBASTIAN RAJOPA; and it is further

ORDERED that the causes of action against defendants ACCESS CARE PT P.C., ANDREW DOWD, BRITTANY GRANT, BRONX MEDICAL

DIAGNOSTIC, P.C., CENTER FOR NEURORESTORATIVE MEDICINE, DOWNTOWN
BRONX MEDICAL ASSOCIATES, P.C., INEW REHAB PHYSICAL THERAPY
P.C., JEFFERSON HEALTHCARE SUPPLIES LLC, JORDAN FERSEL, LINCOLN
HOSPITAL, M & D ELITE PHARMACY, LLC, METROPOLITAN MEDICAL &
SURGICAL P.C. A/K/A METROPOLITAN MEDICAL AND SURGICAL P.C.,
PERLOFF PHYSICAL THERAPY, P.C., PI CHIROPRACTIC PC, PROMETHEUS
IMAGING, LLC, R. ZAKARIA PHYSICIAN PLLC, WELCOME ACUPUNCTURE
P.C., BRUCE WILLIAMS, ISADORE MARTINEZ and SEBASTIAN RAJOPA are
severed and the balance of the claims are continued; and it is
further

ORDERED that forthwith the plaintiff shall serve a copy of
this Order with notice of entry upon defendants ACCESS CARE PT
P.C., ANDREW DOWD, BRITTANY GRANT, BRONX MEDICAL DIAGNOSTIC,
P.C., CENTER FOR NEURORESTORATIVE MEDICINE, DOWNTOWN BRONX
MEDICAL ASSOCIATES, P.C., INEW REHAB PHYSICAL THERAPY P.C.,
JEFFERSON HEALTHCARE SUPPLIES LLC, JORDAN FERSEL, LINCOLN
HOSPITAL, M & D ELITE PHARMACY, LLC, METROPOLITAN MEDICAL &
SURGICAL P.C. A/K/A METROPOLITAN MEDICAL AND SURGICAL P.C.,
PERLOFF PHYSICAL THERAPY, P.C., PI CHIROPRACTIC PC, PROMETHEUS
IMAGING, LLC, R. ZAKARIA PHYSICIAN PLLC, WELCOME ACUPUNCTURE
P.C., BRUCE WILLIAMS, ISADORE MARTINEZ and SEBASTIAN RAJOPA by
regular first-class mail at their last known addresses and upon
the other parties in this action by NYSCEF and shall file proof
of such service with the Clerk; and it is further

ORDERED that the remaining parties shall submit a proposed preliminary conference order or proposed competing preliminary conference orders to NYSCEF on or before January 25, 2022.

DECISION

Plaintiff HEREFORD 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 ACCESS CARE PT P.C., ANDREW DOWD, BRITTANY GRANT, BRONX MEDICAL DIAGNOSTIC, P.C., CENTER FOR NEURORESTORATIVE MEDICINE, DOWNTOWN BRONX MEDICAL ASSOCIATES, P.C., INEW REHAB PHYSICAL THERAPY P.C., JEFFERSON HEALTHCARE SUPPLIES LLC, JORDAN FERSEL, LINCOLN HOSPITAL, M & D ELITE PHARMACY, LLC, METROPOLITAN MEDICAL & SURGICAL P.C. A/K/A METROPOLITAN MEDICAL AND SURGICAL P.C., PERLOFF PHYSICAL THERAPY, P.C., PI CHIROPRACTIC PC, PROMETHEUS IMAGING, LLC, R. ZAKARIA PHYSICIAN PLLC, WELCOME ACUPUNCTURE P.C., BRUCE WILLIAMS, ISADORE MARTINEZ and SEBASTIAN RAJOPA to answer or appear.

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.

12/17/2021
DATE

Debra James
DEBRA JAMES, J.S.C.

CHECK ONE:	<input type="checkbox"/>	CASE DISPOSED	<input checked="" type="checkbox"/>	NON-FINAL DISPOSITION	
	<input checked="" type="checkbox"/>	GRANTED	<input type="checkbox"/>	GRANTED IN PART	<input type="checkbox"/>
APPLICATION:	<input type="checkbox"/>	SETTLE ORDER		SUBMIT ORDER	
CHECK IF APPROPRIATE:	<input type="checkbox"/>	INCLUDES TRANSFER/REASSIGN		FIDUCIARY APPOINTMENT	<input type="checkbox"/>
					<input type="checkbox"/>
					OTHER
					REFERENCE