

State Farm Mut. Auto. Ins. Co. v Access Care, PT, P.C.

2022 NY Slip Op 30016(U)

January 5, 2022

Supreme Court, New York County

Docket Number: Index No. 158042/2020

Judge: David Benjamin Cohen

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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. DAVID B. COHEN PART 58

Justice

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STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY,

Plaintiff,

INDEX NO. 158042/2020

MOTION DATE 11/03/2021

MOTION SEQ. NO. 001

- v -

ACCESS CARE, PT, P.C., ADVANCED ORTHOPEDICS AND JOINT PRESERVATION, P.C., BIG APPLE PAIN MANAGEMENT, PLLC, BROOKLYN MEDICAL PRACTIC, P.C., CENTER FOR NEURORESTORATIVE MEDICINE, P.C., DL TRANSPORTATION GROUP, LLC, ECLIPSE MEDICAL IMAGING, P.C., BRITTANY GRANT, NP, JEFFERSON HEALTHCARE SUPPLIES, LLC, LDU THERAPY, INC., M & D ELITE PHARMACY, LLC, NORTH SHORE FAMILY CHIROPRACTIC, P.C., NYC BEST MEDICAL SUPPLY, INC., PERLOFF PHYSICAL THERAPY, P.C., PI CHIROPRACTIC, P.C., PROMETHEUS IMAGING, LLC, UNICORN ACUPUNCTURE, P.C., WELCOME ACUPUNCTURE, P.C., ANGEL CRUZ, ANA CRUZ, YOVANY FRIAS, SIXTO HERNANDEZ, MARIA HERNANDEZ

DECISION + ORDER ON MOTION

Defendant.

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The following e-filed documents, listed by NYSCEF document number (Motion 001) 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38

were read on this motion to/for JUDGMENT - DEFAULT

Upon the foregoing documents, it is

ORDERED that the plaintiff's motion for a default judgment on the complaint herein is granted on default as against defendants ACCESS CARE, PT, P.C., ADVANCED ORTHOPEDICS AND JOINT PRESERVATION, P.C., BIG APPLE PAIN MANAGEMENT, PLLC, BROOKLYN MEDICAL PRACTIC, P.C., CENTER FOR NEURORESTORATIVE MEDICINE, P.C., DL TRANSPORTATION GROUP, LLC, ECLIPSE MEDICAL IMAGING, P.C., JEFFERSON HEALTHCARE SUPPLIES, LLC, LDU THERAPY, INC., M & D ELITE

PHARMACY, LLC, NORTH SHORE FAMILY CHIROPRACTIC, P.C., NYC BEST MEDICAL SUPPLY, INC., PERLOFF PHYSICAL THERAPY, P.C., PI CHIROPRACTIC, P.C., PROMETHEUS IMAGING, LLC, UNICORN ACUPUNCTURE, P.C., WELCOME ACUPUNCTURE, P.C., ANGEL CRUZ, ANA CRUZ, YOVANY FRIAS, SIXTO HERNANDEZ, MARIA HERNANDEZ. Plaintiff shall be awarded the declaratory and injunctive relief sought in the Complaint as to defaulting defendants, together with costs and disbursements as taxed by the Clerk; and it is further

ORDERED that movant shall submit a hard copy of a proposed judgment to Motion Support, Order Section located at 60 Centre Street, Room 119A, New York, New York and upload same to the e-file system no later than February 7, 2022; and it is further

ORDERED that moving defendants shall serve a copy of this order with notice of entry on the Clerk of the General Clerk's Office (60 Centre Street, Room 119); and it is further

ORDERED that such service upon the Clerk of the General Clerk's Office shall be made in accordance with the procedures set forth in the *Protocol on Courthouse and County Clerk Procedures for Electronically Filed Cases* (accessible at the "E-Filing" page on the court's website at the address www.nycourts.gov/supctmanh); and it is further

ORDERED that plaintiff's motion to extend its time to serve pursuant to CPLR 306-b is granted, and plaintiff's time to serve the Summons and Complaint on defendants BRITTANY GRANT, NP, ANGEL CRUZ, ANA CRUZ, YOVANY FRIAS, SIXTO HERNANDEZ, and MARIA HERNANDEZ is extended through and including March 7, 2022; and it is further

ORDERED that the plaintiff's motion for leave to amend the complaint is granted; and it is further

ORDERED that the amended complaint, in the form annexed to the motion papers, shall be deemed served upon service of a copy of this order with notice of entry upon all parties who have appeared in the action; and it is further

ORDERED that a supplemental summons and amended complaint, in the form annexed to the motion papers, shall be served, in accordance with the Civil Practice Law and Rules, upon the additional party in this action within 30 days after service of a copy of this order with notice of entry; and it is further

ORDERED that the action shall bear the following caption:

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

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STATE FARM MUTUAL AUTOMOBILE INSURANCE
COMPANY,

Plaintiff,

Index No. 158042/2020

-against-

ACCESS CARE, PT, P.C., ADVANCED ORTHOPEDICS AND JOINT PRESERVATION, P.C., BIG APPLE PAIN MANAGEMENT, PLLC, BROOKLYN MEDICAL PRACTICE, P.C., CENTER FOR NEURORESTORATIVE MEDICINE, P.C., DL TRANSPORTATION GROUP, LLC, ECLIPSE MEDICAL IMAGING, PC., BRITTANY GRANT, NP, JEFFERSON HEALTHCARE SUPPLIES, LLC, LDU THERAPY, INC., M & D ELITE PHARMACY, LLC, NORTH SHORE FAMILY CHIROPRACTIC, P.C., NYC BEST MEDICAL SUPPLY, INC., PERLOFF PHYSICAL THERAPY, P C., PI CHIROPRACTIC, P.C., PROMETHEUS IMAGING, LLC, UNICORN ACUPUNCTURE, P.C., WELCOME ACUPUNCTURE, P.C., ANGEL CABRERA CRUZ, ANA CABRERA CRUZ, YOVANY FRIAS, SIXTO HERNANDEZ, ANA RODRIGUEZ, and MARIA REYES HERNANDEZ,

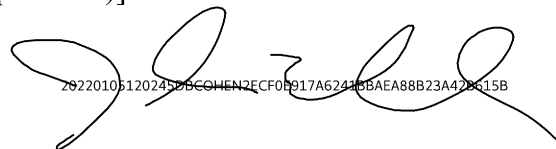
Defendants.

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And it is further

ORDERED that counsel for the moving party shall serve a copy of this order with notice of entry upon the County Clerk (60 Centre Street, Room 141B) and the Clerk of the General Clerk’s Office (60 Centre Street, Room 119), who are directed to mark the court’s records to reflect the parties being added pursuant hereto; and it is further

ORDERED that such service upon the County Clerk and the Clerk of the General Clerk’s Office shall be made in accordance with the procedures set forth in the *Protocol on Courthouse and County Clerk Procedures for Electronically Filed Cases* (accessible at the “E-Filing” page on the court’s website at the address (ww.nycourts.gov/supctmanh)].



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1/5/2022
DATE

DAVID B. COHEN, 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
APPLICATION:	<input type="checkbox"/>	SETTLE ORDER	<input type="checkbox"/>	SUBMIT ORDER
CHECK IF APPROPRIATE:	<input type="checkbox"/>	INCLUDES TRANSFER/REASSIGN	<input type="checkbox"/>	FIDUCIARY APPOINTMENT
			<input type="checkbox"/>	OTHER
			<input type="checkbox"/>	REFERENCE