

**Hereford Ins. Co. v 21st Century Chiropractic Care**

2024 NY Slip Op 32085(U)

June 20, 2024

Supreme Court, New York County

Docket Number: Index No. 153225/2022

Judge: Mary V. Rosado

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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. MARY V. ROSADO PART 33M**

*Justice*

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HEREFORD INSURANCE COMPANY,

Plaintiff,

- v -

21ST CENTURY CHIROPRACTIC CARE, APPLE CHIRO  
OF NY, ANJANI SINHA MEDICAL PC, AUTUMN PT  
PC, BLISS ACUPUNCTURE PC, BL PAIN MANAGEMENT,  
COMPREHENSIVE PSYCHOLOGICAL PC, CONCIERGE  
DIAGNOSTIC INC., CVS RX INC., EXACT ORTHOMED  
INC., FAIRFIELD PHARMACY INC., GOOD MEDICA  
INC., IGOR AMIGUD PHYSICIAN PC, INTERVENTIONAL  
PHYSICAL MEDICINE & REHAB MEDICINE OF NEW  
YORK PLLC, JISU PHYSICAL THERAPY PC, JORDAN  
FERSEL MD PC, LSL MOBILE INC., LUMAX INC., MIDDLE  
VILLAGE DIAGNOSTIC IMAGING, MARK VINE, MG  
CHIROPRACTIC PC, PARK AVENUE MEDICAL IMAGING  
PC, PLEX HEALTH INC., RIGHT CHOICE SUPPLY  
INC., SEDATION VACATION PERIOPERATIVE MEDICINE  
PLL, SINAI DIAGNOSTIC LLC, WIZARD COMPUTER  
SERVICES INC., KEYLIN CASTANEDA

Defendant.

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INDEX NO. 153225/2022  
MOTION DATE 06/01/2024  
MOTION SEQ. NO. 002

**DECISION + ORDER ON  
MOTION**

The following e-filed documents, listed by NYSCEF document number (Motion 002) 72, 73, 74, 75, 78  
were read on this motion to/for AMEND CAPTION/PLEADINGS.

Upon the foregoing documents, there being no opposition, and good cause having been shown, Plaintiff Hereford Insurance Company’s motion seeking leave to amend the caption to include as Defendants Falla Polycarpe Netrx, Inc., Shernet Barrett, and Shoshana Solomon is granted.

Leave to amend pleadings is freely granted in the absence of prejudice if the proposed amendment is not palpably insufficient as a matter of law (*Mashinsky v Drescher*, 188 AD3d 465 [1st Dept 2020]). A party opposing a motion to amend must demonstrate that it would be

substantially prejudiced by the amendment, or the amendments are patently devoid of merit (*Greenburgh Eleven Union Free School Dist. V National Union Fire Ins. Co.*, 298 AD2d 180, 181 [1st Dept 2002]). Delay alone is not sufficient to deny leave to amend (*Johnson v Montefiore Medical Center*, 203 AD3d 462 [1st Dept 2022]).

Here, Plaintiff only recently received medical bills from the proposed additional defendants and therefore they could not have been included at this action's inception. Moreover, there is no opposition, and the proposed pleading appears meritorious on its face. Therefore, Plaintiff's motion is granted.

Accordingly, it is hereby

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 (NYSCEF Doc. 74), 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 parties in this action within 30 days after service of a copy of this order with notice of entry; and it is further

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ORDERED that the action shall bear the following caption:

HEREFORD INSURANCE COMPANY,

Plaintiff,

- v -

21ST CENTURY CHIROPRACTIC CARE, APPLE CHIRO  
OF NY, ANJANI SINHA MEDICAL PC, AUTUMN PT  
PC, BLISS ACUPUNCTURE PC, BL PAIN MANAGEMENT,  
COMPREHENSIVE PSYCHOLOGICAL PC, CONCIERGE  
DIAGNOSTIC INC., CVS RX INC., EXACT ORTHOMED  
INC., FAIRFIELD PHARMACY INC., GOOD MEDICA  
INC., IGOR AMIGUD PHYSICIAN PC, INTERVENTIONAL  
PHYSICAL MEDICINE & REHAB MEDICINE OF NEW  
YORK PLLC, JISU PHYSICAL THERAPY PC, JORDAN  
FERSEL MD PC, LSL MOBILE INC., LUMAX INC., MIDDLE  
VILLAGE DIAGNOSTIC IMAGING, MARK VINE, MG  
CHIROPRACTIC PC, PARK AVENUE MEDICAL IMAGING  
PC, PLEX HEALTH INC., RIGHT CHOICE SUPPLY  
INC., SEDATION VACATION PERIOPERATIVE MEDICINE  
PLLC, SINAI DIAGNOSTIC LLC, WIZARD COMPUTER  
SERVICES INC., KEYLIN CASTANEDA, **FALLA  
POLYCARPE NETRX, INC, SHERNET BARRETT AND  
SHOSHANA SOLOMON**

Defendant.

And it is further

ORDERED that within ten days of entry, counsel for the moving party shall serve a copy of this order with notice of entry upon the County Clerk and the Clerk of the General Clerk's Office, 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); and it is further

ORDERED that the Clerk of the Court is directed to enter judgment accordingly.

This constitutes the Decision and Order of the Court.

<u>6/20/2024</u> DATE					<u>Mary V Rosado JSC</u> HON. MARY V. ROSADO, 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"/>	DENIED	<input type="checkbox"/>
APPLICATION:	<input type="checkbox"/>	SETTLE ORDER	<input type="checkbox"/>	SUBMIT ORDER	<input type="checkbox"/>
CHECK IF APPROPRIATE:	<input type="checkbox"/>	INCLUDES TRANSFER/REASSIGN	<input type="checkbox"/>	FIDUCIARY APPOINTMENT	<input type="checkbox"/>
					<input type="checkbox"/>
					OTHER
					REFERENCE