

**State Farm Fire & Cas. Co. v Atlantic Med. &
Diagnostic, P.C.**

2025 NY Slip Op 30985(U)

March 26, 2025

Supreme Court, New York County

Docket Number: Index No. 153512/2024

Judge: Lyle E. Frank

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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. LYLE E. FRANK PART 11M

Justice

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STATE FARM FIRE AND CASUALTY COMPANY,

Plaintiff,

- v -

ATLANTIC MEDICAL & DIAGNOSTIC, P.C., ANMM, INC., B. SOLIMAN CHIROPRACTIC, P.C., CLIFFSIDE PARK IMAGING AND DIAGNOSTIC CENTER, L.L.C. A/K/A CLIFFSIDE PARK IMAGING, COMFORT THERAPY SOLUTIONS, INC., EAST TREMONT MEDICAL, P.C. A/K/A ETM-ASC AMBULATORY SURGERY, KAMM MED SUPPLIES, INC., LABORATORY CORPORATION OF AMERICA, METROPOLITAN MEDICAL & REHABILITATION, P.C. A/K/A METROPOLITAN MEDICAL & REHAB, METROPOLITAN MEDICAL AND SURGICAL SUPPLIES, INC., PAIN MEDICINE GROUP OF NEW YORK, L.L.P., PRECISE MEDICAL SOLUTIONS, L.L.C., SHAMAN SUPPLIES, INC., SEDATION VACATION PERIOPERATIVE MEDICINE, P.L.L.C., SOUTH BRONX MEDICAL, P.C., SUMMER PHYSICAL THERAPY WELLNESS, P.C., SUMMER PT, P.C., SUNRISE MEDICAL GROUP, INC., TRIBOROUGH ASC, L.L.C., UPTOWN HEALTH CARE MANAGEMENT, INC., WASHINGTON MEDICAL, P.C., WESTCHESTER RADIOLOGY & IMAGING, P.C., NATALIE O. DELEON, KISHEN ARCHIBALD, HAYWOOD WHYLIE

Defendant.

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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, 46, 47

were read on this motion to/for JUDGMENT - DEFAULT.

Upon the foregoing documents, plaintiff's motion is granted.

Plaintiff seeks a default judgment against the non-appearing defendants Atlantic Medical and Diagnostic, P.C.; ANMM, Inc.; Cliffside Park Imaging and Diagnostic Center, LLC a/k/a Cliffside Park Imaging; Kamm Med Supplies, Inc.; Metropolitan Medical & Rehabilitation, P.C. a/k/a Metropolitan Medical & Rehab; Precise Medical Solutions, LLC; Sedation Vacation

**DECISION + ORDER ON
MOTION**

Perioperative Medicine, PLLC; South Bronx Medical, PC; Summer Physical Therapy Wellness, PC; Triborough ASC, LLC; Washington Medical, PC; Westchester Radiology & Imagine, PC; and Kishen Archibald (collectively, the “Defaulting Defendants”). They seek a declaratory judgment that there is no No-Fault coverage in relation to an alleged collision in November of 2022. In support of this motion, Plaintiff provides an affirmation of merit from the claims adjuster assigned to the claim, affidavits of service for the summons and verified complaint, affidavit of service by mail for the notice of default motion, and other proofs related to the claim and claim investigation. There is no opposition filed as to this motion.

An application for a default judgment must be supported by either an affidavit of facts made by one with personal knowledge of the facts surrounding the claim or a complaint verified by a person with actual knowledge of the facts surrounding the claim. *Zelnick v Biderman Industries U.S.A., Inc.*, 242 AD2d 227, 228 [1st Dept 1997]. This has been provided with this motion.

Plaintiff has demonstrated that the summons and complaint was duly served upon defendants. To date, defendants have failed to answer, appear or obtain an order from the court extending the time to do so. Additionally, the time to answer or otherwise appear has expired. Accordingly, it is hereby

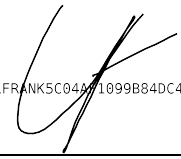
ORDERED that default judgment is granted against defendants Atlantic Medical & Diagnostic, P.C.; ANMM, Inc.; Cliffside Park Imaging and Diagnostic Center, L.L.C. a/k/a Cliffside Park Imaging; Kamm Med Supplies, Inc.; Metropolitan Medical & Rehabilitation, P.C. a/k/a Metropolitan Medical & Rehab; Precise Medical Solutions, LLC; Sedation Vacation Perioperative Medicine, P.L.L.C.; South Bronx Medical, P.C.; Summer Physical Therapy

Wellness, P.C.; Triborough ASC, L.L.C.; Westchester Radiology & Imaging, P.C.; and Kishen Archibald; and it is further

ORDERED, ADJUDGED, and DECLARED that plaintiff has no duty to pay any No-Fault benefits in the form of sums, monies, damages, awards or benefits to defendants Atlantic Medical & Diagnostic, P.C.; ANMM, Inc.; Cliffside Park Imaging and Diagnostic Center, L.L.C. a/k/a Cliffside Park Imaging; Kamm Med Supplies, Inc.; Metropolitan Medical & Rehabilitation, P.C. a/k/a Metropolitan Medical & Rehab; Precise Medical Solutions, LLC; Sedation Vacation Perioperative Medicine, P.L.L.C.; South Bronx Medical, P.C.; Summer Physical Therapy Wellness, P.C.; Triborough ASC, L.L.C.; Westchester Radiology & Imaging, P.C.; and Kishen Archibald, their agents, employees, assignees or heirs arising out of any current or future proceeding, including without limitation, arbitrations and lawsuits seeking to recover No-Fault benefits with respect to the collision that occurred on November 14, 2022, referenced in the complaint, and reference by claim number 32-42L4-95W; and it is further

ORDERED, ADJUDGED, and DECLARED that all No-Fault lawsuits, arbitrations, awards, and claims filed by defendants Atlantic Medical & Diagnostic, P.C.; ANMM, Inc.; Cliffside Park Imaging and Diagnostic Center, L.L.C. a/k/a Cliffside Park Imaging; Kamm Med Supplies, Inc.; Metropolitan Medical & Rehabilitation, P.C. a/k/a Metropolitan Medical & Rehab; Precise Medical Solutions, LLC; Sedation Vacation Perioperative Medicine, P.L.L.C.; South Bronx Medical, P.C.; Summer Physical Therapy Wellness, P.C.; Triborough ASC, L.L.C.; Westchester Radiology & Imaging, P.C.; and Kishen Archibald, arising from the November 14, 2022 loss referenced in the complaint, and referenced by claim number 32-42L4-95W are hereby stayed.

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3/26/2025

DATE

LYLE E. FRANK, J.S.C.

CHECK ONE:

CASE DISPOSED

NON-FINAL DISPOSITION

GRANTED

DENIED

GRANTED IN PART

OTHER

APPLICATION:

SETTLE ORDER

SUBMIT ORDER

CHECK IF APPROPRIATE:

INCLUDES TRANSFER/REASSIGN

FIDUCIARY APPOINTMENT

REFERENCE