

PV Holding Corp. v Advanced Recovery Equipment & Supplies, LLC

2025 NY Slip Op 32806(U)

July 29, 2025

Supreme Court, New York County

Docket Number: Index No. 158403/2024

Judge: Paul A. Goetz

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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. PAUL A. GOETZ PART 47

Justice

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PV HOLDING CORP. INCLUDING ALL OF ITS
SUBSIDIARIES AND AFFILIATES, INCLUDING BUT NOT
LIMITED TO AVIS BUDGET, LLC, AVIS CAR RENTAL,
LLC, BUDGET CAR RENTAL, LLC, BUDGET TRUCK
RENTAL, LLC, PAYLESS CAR RENTAL, INC. AND
ZIPCAR, INC.,

INDEX NO. 158403/2024
MOTION DATE 04/21/2025
MOTION SEQ. NO. 001

Plaintiffs,

- v -

ADVANCED RECOVERY EQUIPMENT AND SUPPLIES,
LLC, ATLANTIC MEDICAL & DIAGNOSTIC, P.C., BEACH
MEDICAL REHABILITATION, P.C., BIOMETRIC SIGN,
INC., BORISCO, INC., BORUKHOV RADIOLOGY, PLLC
D/B/A HIGHLINE RADIOLOGY, BRIYUT RX, INC., CHI
CHINESE ACUPUNCTURE, P.C., DAVID CARMILI,
PHYSICIAN, P.C., DS MEDICAL DIAGNOSTICS, P.C., EAST
TREMONT MEDICAL CENTER A/K/A ETM-ASC
AMBULATORY SURGERY CENTER, FAR ROCKAWAY
MEDICAL, P.C., FIRST STOP PT, P.C., FIVE STAR
PHARMACY, INC., GEM JM, INC., GOTHAM SUPPLY
GROUP, INC., IPILLS PHARMACY, INC., ISLAND
AMBULATORY SURGERY CENTER, LLC, JOSEPH A.
RAIA, M.D., P.C., LR MEDICAL, PLLC, LUKAMOR MEDICAL
SUPPLIES, INC., LUMINEX BK, LLC, MDCA PSYCHOLOGY
CARE, P.C., NEEDFUL GOODS CORP., NOSTRAND
MEDICAL SERVICES NY, P.C., PHARMACY ON GRAND,
INC., PRIME SPECIALTY PHARMACY, LLC, RASHBI
DIAGNOSTICS IMAGING, INC., REHAB TIME PT,
P.C., RIGHT CHOICE SUPPLY, INC., SAFE ANESTHESIA
AND PAIN, LLC, SEDATION VACATION PERIOPERATIVE
MEDICINE, PLLC, TM OS, LLC, U.K. SINHA PHYSICIAN,
P.C., URGENT PHYSICAL THERAPY, P.C., VALRX
PHARMACY, INC., WAY TO REHAB PT, P.C., ZATOR
MEDICAL SUPPLIES CORP., HENLEY VOLTAIRE, AMBER
MANTOCK, BRYANNA CHAPMAN, COMMUNITY
PHARMACY NY, LLC, H PLAZA PHARMACY INC.

ORDER - AMENDED (MOTION
RELATED)

Defendants.

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The following e-filed documents, listed by NYSCEF document number (Motion 001) 55, 56, 57, 58, 59,
60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 76, 78, 79, 80, 81

were read on this motion to/for JUDGMENT - DEFAULT

158403/2024 PV HOLDING CORP. INCLUDING ALL OF ITS SUBSIDIARIES AND AFFILIATES,
INCLUDING BUT NOT LIMITED TO AVIS BUDGET, LLC, AVIS CAR RENTAL, LLC, BUDGET
CAR RENTAL, LLC, BUDGET TRUCK RENTAL, LLC, PAYLESS CAR RENTAL, INC. AND ZIPCAR,
INC. vs. ADVANCED RECOVERY EQUIPMENT AND SUPPLIES, LLC ET AL
Motion No. 001

Upon the foregoing documents, it is

ORDERED that the portion of plaintiff's motion for a default judgment is granted as plaintiff has demonstrated its entitlement to a default judgment by submitting proof of service, proof of the facts constituting its claims, and proof of defendants' default (CPLR § 3215; *Gen. Ins. v Leandre*, 224 AD3d 427, 427 [1st Dept 2024]); and it is further

ORDERED, ADJUDGED and DELCARED that plaintiff owes no duty to pay any no-fault claims of defendants, ADVANCED RECOVERY EQUIPMENT AND SUPPLIES, LLC, ATLANTIC MEDICAL & DIAGNOSTIC, P.C., BEACH MEDICAL REHABILITATION, P.C., BIOMETRIC SIGN, INC., BORISCO, INC., BORUKHOV RADIOLOGY, PLLC d/b/a HIGHLINE RADIOLOGY, BRIYUT RX, INC., CHI CHINESE ACUPUNCTURE, P.C., DAVID CARMILI, PHYSICIAN, P.C., DS MEDICAL DIAGNOSTICS, P.C., FAR ROCKAWAY MEDICAL, P.C., FIRST STOP PT, P.C., FIVE STAR PHARMACY, INC., GEM JM, INC., GOTHAM SUPPLY GROUP, INC., IPILLS PHARMACY, INC., ISLAND AMBULATORY SURGERY CENTER, LLC, JOSEPH A. RAIA, M.D., P.C., LR MEDICAL, PLLC, LUKAMOR MEDICAL SUPPLIES, INC., LUMINEX BK, LLC, MDCA PSYCHOLOGY CARE, P.C., NEEDFUL GOODS CORP., NOSTRAND MEDICAL SERVICES NY, P.C., PHARMACY ON GRAND, INC., PRIME SPECIALTY PHARMACY, LLC, RASHBI DIAGNOSTICS IMAGING, INC., RIGHT CHOICE SUPPLY, INC., SAFE ANESTHESIA AND PAIN, LLC, SEDATION VACATION PERIOPERATIVE MEDICINE, PLLC, TM OS, LLC, U.K. SINHA PHYSICIAN, P.C., URGENT PHYSICAL THERAPY, P.C.,

VALRX PHARMACY, INC., WAY TO REHAB PT, P.C., and ZATOR MEDICAL SUPPLIES CORP.,¹ arising from the October 29, 2023 collision referenced in the complaint; and it is further

ORDERED that all lawsuits and arbitrations brought in connection with the October 29, 2023 collision by the defaulting defendants are permanently stayed; and it is further

ORDERED that the claims against the remaining defendants are severed and continued; and it is further

ORDERED that the portion of 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 parties 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:

¹ While defendants, BEACH MEDICAL REHABILITATION, P.C., BORISCO, INC., BORUKHOV RADIOLOGY, PLLC d/b/a HIGHLINE RADIOLOGY, BRIYUT RX, INC., CHI CHINESE ACUPUNCTURE, P.C., DAVID CARMILI, PHYSICIAN, P.C., DS MEDICAL DIAGNOSTICS, P.C, GEM JM, INC, LUMINEX BK, LLC, MDCA PSYCHOLOGY CARE, P.C., NEEDFUL GOODS CORP., NOSTRAND MEDICAL SERVICES NY, P.C., RASHBI DIAGNOSTICS IMAGING, INC., RIGHT CHOICE SUPPLY, INC., TM OS, LLC and WAY TO REHAB PT, P.C., have filed late answers to the action, they did not submit any opposition to the motion to explain their late answers.

PV HOLDING CORP. INCLUDING ALL OF ITS
SUBSIDIARIES AND AFFILIATES, INCLUDING BUT NOT
LIMITED TO AVIS BUDGET, LLC, AVIS CAR RENTAL,
LLC, BUDGET CAR RENTAL, LLC, BUDGET TRUCK
RENTAL, LLC, PAYLESS CAR RENTAL, INC. AND
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Plaintiffs,

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INC., PRIME SPECIALTY PHARMACY, LLC, RASHBI
DIAGNOSTICS IMAGING, INC., REHAB TIME PT,
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P.C., URGENT PHYSICAL THERAPY, P.C., VALRX
PHARMACY, INC., WAY TO REHAB PT, P.C., ZATOR
MEDICAL SUPPLIES CORP., HENLEY VOLTAIRE, AMBER
MANTOCK, BRYANNA CHAPMAN, COMMUNITY
PHARMACY NY, LLC and H PLAZA PHARMACY INC. d/b/a
MOUDNA PHARMACY

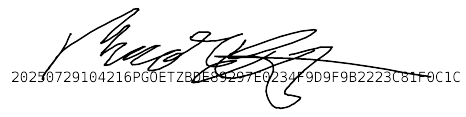
Defendants.

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 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].


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7/29/2025
DATE

PAUL A. GOETZ, J.S.C.

CHECK ONE:

CASE DISPOSED
 GRANTED DENIED

NON-FINAL DISPOSITION
 GRANTED IN PART OTHER

APPLICATION:

SETTLE ORDER

SUBMIT ORDER

CHECK IF APPROPRIATE:

INCLUDES TRANSFER/REASSIGN

FIDUCIARY APPOINTMENT REFERENCE