

**Palisades Ins. Co. v Accurate Monitoring, LLC**

2025 NY Slip Op 33726(U)

October 3, 2025

Supreme Court, New York County

Docket Number: Index No. 150013/2025

Judge: Leslie A. Stroth

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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. LESLIE A. STROTH PART 12M

Justice

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INDEX NO. 150013/2025

PALISADES INSURANCE COMPANY,

MOTION DATE 06/29/2025

Plaintiff,

MOTION SEQ. NO. 001

- v -

ACCURATE MONITORING, LLC, ACTIVE LIFE CHIROPRACTIC, P.C., BIOREFERENCE LABORATORIES, CITIMED SURGERY CENTER, LLC, DS MEDICAL DIAGNOSTICS, P.C., HABLAS CARE, P.T., P.C., HORIZON MEDICAL CARE, P.C., KINGS COUNTY HOSPITAL, MEDS AND BEYOND, INC., MODERN STYLE FAMILY HEALTH, N.P., P.C., NAMASTE PSYCHOLOGICAL SERVICES, P.C., NEUROPHYSIOLOGIC INTERPRETIVE MEDICINE, PLLC, NORTH STREET MEDICAL, P.C., PALMETTO MEDICAL, P.C., QUANTUM DIAGNOSTIC SERVICES, P.C., SEDATION VACATION PERIOPERATIVE MEDICINE, PLLC, SHAARE TZION IMAGING, LLC, SHEMESH MED PRO, CORP, SIMCHA MED SUPPLY, CORP, STAND UP MRI OF BROOKLYN, P.C., VDR SERVICES, INC., WILLISTON PARK MEDICAL, P.C., CORDERO PRIDGEN, ANTHONY JOHNSON

DECISION + ORDER ON MOTION

Defendant.

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The following e-filed documents, listed by NYSCEF document number (Motion 001) 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78

were read on this motion to/for JUDGMENT - DEFAULT

In the no-fault-insurance-coverage action herein, Plaintiff, Palisades Insurance Company, seeks default judgment against Defendants ACCURATE MONITORING, LLC, ACTIVE LIFE CHIROPRACTIC, P.C., BIOREFERENCE LABORATORIES, CITIMED SURGERY CENTER, LLC, HABLAS CARE, P.T., P.C., HORIZON MEDICAL CARE, P.C., MEDS AND BEYOND, INC, MODERN STYLE FAMILY HEALTH, N.P., P.C., NAMASTE PSYCHOLOGICAL SERVICES, P.C., NEUROPHYSIOLOGIC INTERPRETIVE MEDICINE, PLLC, NORTH STREET MEDICAL, P.C., QUANTUM DIAGNOSTIC SERVICES, P.C., SEDATION VACATION PERIOPERATIVE MEDICINE, PLLC, SHAARE TZION IMAGING, LLC, SHEMESH MED PRO, CORP, STAND UP

MRI OF BROOKLYN, P.C., VDR SERVICES, INC, WILLISTON PARK MEDICAL, P.C (collectively “Medical Providers”) and CORDERO PRIDGEN (“Claimant”) on the grounds that Claimant failed to appear at required Examinations Under Oath (EUOs) related to an accident dated January 27, 2024. Plaintiff also moves based on the grounds that Claimant and Medical Providers have failed to timely answer or appear in this action.

In order for a no-fault-insurer to succeed on a movement for default judgment based on Claimants failure comply with required no-fault insurance regulations, it must establish that it complied the regulatory requirements in processing those no-fault insurance claims. (See *American Transit Ins. Co. v Longevity Med. Supply, Inc.*, 131 AD3d 841, 841 [1st Dept 2015]).

Here, Plaintiff establishes that Plaintiff requested an EUO of Claimant EUO on March 25, 2024 and that such was properly and timely filed pursuant to 11 NYCRR 65-3.5(b). (NY St Cts Elec Filing [NYSCEF] Doc No. 72). Plaintiff alleges that Claimant has still not complied with the request. Defendants fail to provide any opposition to the instant motion. Accordingly, Plaintiff’s motion for default judgment for failing to comply with the no-fault regulations is granted.

As to all Defendants’ failure to answer or appear; when a defendant fails to appear or answer, a plaintiff may seek a default judgment against that defendant (CPLR 3215 [a]). “On a motion for leave to enter a default judgment pursuant to CPLR 3215, the movant is required to submit proof of service of the summons and complaint, proof of the facts constituting its claim, and proof of the defaulting party’s default in answering or appearing” (*Atlantic Cas. Ins. Co. v RJNJ Servs., Inc.*, 89 AD3d 649, 651 [2d Dept 2011]).

Here, Plaintiff submits the summons and complaint, proof of service of the summons and complaint, and affidavits of service of the instant motion. As discussed *infra*, Plaintiff has also sufficiently plead and demonstrated the facts underlying the complaint related to Claimant’s failure to comply with the no-fault insurance regulations. The Court notes that Defendant SHAARE TZION IMAGING, LLC interposed an answer on May 14, 2025, Defendants HABLAS CARE, P.T., P.C and SHEMESH MED PRO, CORP. interposed an answer on May 29, 2025, and Defendant ACTIVE LIFE

CHIROPRACTIC, P.C. interposed an Answer on August 8, 2025, over five months after Plaintiff's complaint. Given that Claimant is not entitled to no-fault coverage, the long delay in answering and the failure on the part of Defendants SHAARE TZION IMAGING, LLC, HABLAS CARE, P.T., P.C, SHEMESH MED PRO, CORP and ACTIVE LIFE CHIROPRACTIC, P.C. to demonstrate good cause for their failure to timely answer or appear, the Court still finds that those defendants are still in Default.

Accordingly; it is hereby

ORDERED that Plaintiff's Motion for Default Judgment against Defendants ACCURATE MONITORING, LLC, ACTIVE LIFE CHIROPRACTIC, P.C., BIOREFERENCE LABORATORIES, CITIMED SURGERY CENTER, LLC, HABLAS CARE, P.T., P.C., HORIZON MEDICAL CARE, P.C., MEDS AND BEYOND, INC, MODERN STYLE FAMILY HEALTH, N.P., P.C., NAMASTE PSYCHOLOGICAL SERVICES, P.C., NEUROPHYSIOLOGIC INTERPRETIVE MEDICINE, PLLC, NORTH STREET MEDICAL, P.C., QUANTUM DIAGNOSTIC SERVICES, P.C., SEDATION VACATION PERIOPERATIVE MEDICINE, PLLC, SHAARE TZION IMAGING, LLC, SHEMESH MED PRO, CORP, STAND UP MRI OF BROOKLYN, P.C., VDR SERVICES, INC, WILLISTON PARK MEDICAL, P.C and CORDERO PRIDGEN pursuant to CPLR. § 3215 is granted without opposition submitted; and it is further

ORDERED that the County Clerk is hereby directed to enter a Default Judgment against Defendants ACCURATE MONITORING, LLC, ACTIVE LIFE CHIROPRACTIC, P.C., BIOREFERENCE LABORATORIES, CITIMED SURGERY CENTER, LLC, HABLAS CARE, P.T., P.C., HORIZON MEDICAL CARE, P.C., MEDS AND BEYOND, INC, MODERN STYLE FAMILY HEALTH, N.P., P.C., NAMASTE PSYCHOLOGICAL SERVICES, P.C., NEUROPHYSIOLOGIC INTERPRETIVE MEDICINE, PLLC, NORTH STREET MEDICAL, P.C., QUANTUM DIAGNOSTIC SERVICES, P.C., SEDATION VACATION PERIOPERATIVE MEDICINE, PLLC, SHAARE TZION IMAGING, LLC, SHEMESH MED PRO, CORP, STAND UP MRI OF BROOKLYN, P.C., VDR SERVICES, INC, WILLISTON PARK MEDICAL, P.C and CORDERO PRIDGEN; and it is further

ADJUDGED AND DECLARED that Plaintiff is not required to pay no-fault insurance coverage benefits to Defendants ACCURATE MONITORING, LLC, ACTIVE LIFE CHIROPRACTIC, P.C., BIOREFERENCE LABORATORIES, CITIMED SURGERY CENTER, LLC, HABLAS CARE, P.T., P.C., HORIZON MEDICAL CARE, P.C., MEDS AND BEYOND, INC, MODERN STYLE FAMILY HEALTH, N.P., P.C., NAMASTE PSYCHOLOGICAL SERVICES, P.C., NEUROPHYSIOLOGIC INTERPRETIVE MEDICINE, PLLC, NORTH STREET MEDICAL, P.C., QUANTUM DIAGNOSTIC SERVICES, P.C., SEDATION VACATION PERIOPERATIVE MEDICINE, PLLC, SHAARE TZION IMAGING, LLC, SHEMESH MED PRO, CORP, STAND UP MRI OF BROOKLYN, P.C., VDR SERVICES, INC, WILLISTON PARK MEDICAL, P.C and CORDERO PRIDGEN arising out of the accident dated January 27, 2024 referenced by Claim Number 801602400216.

10/3/2025  
DATE

*Leslie A. Stroth*  
**HON. LESLIE A. STROTH**  
J.S.C.

CHECK ONE:

CASE DISPOSED  
GRANTED

DENIED

NON-FINAL DISPOSITION  
GRANTED IN PART  
SUBMIT ORDER  
FIDUCIARY APPOINTMENT

OTHER

APPLICATION:

CHECK IF APPROPRIATE:

REFERENCE