

**Modern Chiropractic Solutions LLC v State Farm Mu.
Auto. Ins. Co. PIP/BI Claims**

2025 NY Slip Op 34479(U)

September 19, 2025

Civil Court of the City of New York, Kings County

Docket Number: Index No. CV-725993-20/KI

Judge: Javier Ortiz

Cases posted with a "30000" identifier, i.e., 2013 NY Slip Op 30001(U), are republished from various New York State and local government sources, including the New York State Unified Court System's eCourts Service.

This opinion is uncorrected and not selected for official publication.

CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF KINGS PART 41

MODERN CHIROPRACTIC SOLUTIONS LLC A/A/O
Randolph, Tanisha,

Plaintiff,

Index No. CV-725993-20/KI
9/19/25 NFA Motion Cal. # 16 & 17
Motion Seq. # 1-2

DECISION AND ORDER

-against-

Recitation as required by CPLR §2219(a) of the
papers considered in review of these Motions:

Papers

D's Motion & Supporting Documents.....8-9, 29-32
P's Cross-Motion & Supporting Docs....2-4, 10-28
D's Aff in Opp/Reply & Exhibits.....7, 33-37
P's Supplemental Materials.....38-41

STATE FARM MUTUAL AUTOMOBILE INS.
CO. PIP/BI CLAIMS,

Defendant.

Upon the foregoing cited papers and after oral argument, the Decision/Order on Defendant's Motion for Summary Judgment and Plaintiff's Cross-Motion for Summary Judgment is resolved as follows:

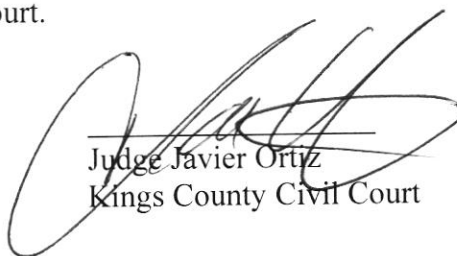
Both motions are GRANTED IN PART to the following extent:

Plaintiff has proven its *prima facie* burden of mailing the bills and that payment is outstanding while Defendant has proven its *prima facie* burden of mailing the examination under oath (EUO) scheduling letters and denials, as well as proving Plaintiff's no-show at two scheduled EUOs on May 15 and June 5, 2018.

The issues of fact to be determined at trial are as follows: (1) whether Plaintiff has a reasonable excuse for its EUO no-show; (2) whether Plaintiff made telephone calls to Defendant and left messages requesting to reschedule the EUO dates; and (3) what, if any, reasonable accommodations Defendant made with regard to such messages, if they were received.

This constitutes the Decision/Order of this Court.

Date: September 19, 2025
Brooklyn, NY


Judge Javier Ortiz
Kings County Civil Court

ENTERED - Kings Civil Court
12/1/2025, 10:17:08 AM