

Progressive Garden State Ins. Co. v Simpson
2025 NY Slip Op 35507(U)
February 25, 2025
Supreme Court, Nassau County
Docket Number: Index No. 614145/2023
Judge: Denise L. Sher
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SHORT FORM ORDER

SUPREME COURT OF THE STATE OF NEW YORK

PRESENT: HON. DENISE L. SHER
Supreme Court Justice

PROGRESSIVE GARDEN STATE
INSURANCE COMPANY,

Plaintiff,

-against-

INDIVIDUAL DEFENDANT
AMANDA SIMPSON,

HEALTHCARE DEFENDANTS
ACTIVE LIFE CHIROPRACTIC P.C.,
ANMM INC.,
ATLANTIC MEDICAL & DIAGNOSTIC, P.C.,
BELLA DORMAN PSYCHOLOGY, P.C.,
BRIGHTON REHAB PT, P.C.,
BVH DIAGNOSTICS, INC.,
FOREST HILLS MEDICAL & DIAGNOSTIC
SERVICES, P.C.,
H. LEVITAN MEDICAL P.C.,
JOHANNE HILAIRE, NP,
KAMM MED SUPPLIES INC.,
MED IMPULSE SUPPLY CORP.,
OLD STYLE PHARMACY, INC.,
ROCKAWAY COMPLETE CHIROPRACTIC, P.C.
and SANFORD RADIOLOGY, P.C.,

Defendants.

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NASSAU COUNTY

Index No.: 614145/2023
Motion Seq. No.: 02
Motion Date: 12/18/2024
XXX

The following papers have been read on this motion:

	<u>Papers Numbered</u>
<u>Notice of Motion, Affirmation and Exhibits</u>	<u>1</u>

Upon the foregoing papers, it is ordered that the motion is decided as follows:

Plaintiff moves (Seq. No. 02), pursuant to CPLR § 2221(d), for an order granting it leave to renew its prior motion (Seq. No. 01), pursuant to CPLR § 3215, for an order granting a default judgment against defendants AMANDA SIMPSON, ATLANTIC MEDICAL & DIAGNOSTIC, P.C., BVH DIAGNOSTICS, INC., MED IMPULSE SUPPLY CORP., OLD STYLE PHARMACY, INC. and SANFORD RADIOLOGY, P.C.

No opposition was submitted to the motion.

In support of the motion (Seq. No. 02), counsel for plaintiff asserts, in pertinent part, that, “[t]he Plaintiff, PROGRESSIVE, previously filed a motion for default judgment against the non-appearing parties which resulted in this court’s order dated August 12, 2024.... The court order of August 12, 2024 granted the default against the non-appearing defendants but ‘ordered that the issue of whether a declaratory judgment may be entered against the defaulting defendants shall be held in abeyance until a final determination is reached with respect to plaintiff’s claims against the appearing defendants ...’... Plaintiff has now resolved the litigation against the appearing defendants as evidenced by the stipulations of discontinuance filed with the clerk’s office.... As a result, PROGRESSIVE respectfully now moves this Court to renew its motion for a default judgment, and upon renewal, grant the relief requested in the Plaintiff’s Complaint against the defaulting defendants:...”

See Plaintiff’s Affirmation in Support Exhibits 1-3.

Based upon the above, plaintiff’s motion (Seq. No. 02), pursuant to CPLR § 2221(d), for an order granting it leave to renew its prior motion (Seq. No. 01), pursuant to CPLR § 3215, for an order granting a default judgment against defendants AMANDA SIMPSON, ATLANTIC MEDICAL & DIAGNOSTIC, P.C., BVH DIAGNOSTICS, INC.,

MED IMPULSE SUPPLY CORP., OLD STYLE PHARMACY, INC. and
SANFORD RADIOLOGY, P.C, is hereby **GRANTED**. And it is further

ORDERED that plaintiff is entitled to a declaratory judgment against
defaulting defendants AMANDA SIMPSON, ATLANTIC MEDICAL &
DIAGNOSTIC, P.C., BVH DIAGNOSTICS, INC., FOREST HILLS MEDICAL &
DIAGNOSTIC SERVICES, P.C., H. LEVITAN MEDICAL P.C.,
MED IMPULSE SUPPLY CORP., OLD STYLE PHARMACY, INC.,
ROCKAWAY COMPLETE CHIROPRACTIC, P.C. and SANFORD RADIOLOGY, P.C.,
and is not required to provide any insurance coverage to said defaulting defendants.
And it is further

ORDERED that plaintiff is not obligated to provide any coverage, reimbursements,
or pay any sums, or funds to defendants AMANDA SIMPSON, ATLANTIC MEDICAL &
DIAGNOSTIC, P.C., BVH DIAGNOSTICS, INC., FOREST HILLS MEDICAL &
DIAGNOSTIC SERVICES, P.C., H. LEVITAN MEDICAL P.C.,
MED IMPULSE SUPPLY CORP., OLD STYLE PHARMACY, INC.,
ROCKAWAY COMPLETE CHIROPRACTIC, P.C. and SANFORD RADIOLOGY, P.C.,
for any and all first party coverages including collision damage, uninsured/underinsured claims
and/or No-Fault related services for which claims/bills have been, or may in the future be,
submitted by defendants to plaintiff, by or on behalf of defendant AMANDA SIMPSON.
And it is further

ORDERED that defendant AMANDA SIMPSON perpetrated a scheme to deceptively procure a policy of insurance from plaintiff by knowingly submitting an application for insurance that contained material misrepresentations of fact and false statements and plaintiff is not required to honor any claims submitted by or on behalf of her. And it is further

ORDERED that defendant AMANDA SIMPSON continued to make material misrepresentations to plaintiff by knowingly representing that she was a resident of and principally kept the PROGRESSIVE insured vehicle in Sayreville, State of New Jersey, whereas she was a resident of and principally kept the PROGRESSIVE insured vehicle in the County of Kings, State of New York. And it is further

ORDERED that defendants ATLANTIC MEDICAL & DIAGNOSTIC, P.C., BVH DIAGNOSTICS, INC., FOREST HILLS MEDICAL & DIAGNOSTIC SERVICES, P.C., H. LEVITAN MEDICAL P.C., MED IMPULSE SUPPLY CORP., OLD STYLE PHARMACY, INC., ROCKAWAY COMPLETE CHIROPRACTIC, P.C. and SANFORD RADIOLOGY, P.C. lack standing to seek or receive No-Fault reimbursements for any bill submitted by or on behalf of defendant AMANDA SIMPSON, as she made material misrepresentations at the time she procured the policy of insurance from plaintiff by knowingly submitting an application for insurance that contained material misrepresentations of fact and false and/or fraudulent statements.

This constitutes the Decision and Order of this Court.

ENTER:

DENISE L. SHER, J.S.C.

XXX

Dated: Mineola, New York
February 25, 2025

ENTERED
Feb 27 2025

NASSAU COUNTY
COUNTY CLERK'S OFFICE