

**Structural Synergy, P.T., P.C. v State Farm Mut.
Auto. Ins. Co.**

2026 NY Slip Op 30003(U)

January 6, 2026

Civil Court of the City of New York, Kings County

Docket Number: Index No. CV-727929-22

Judge: Sandra E. Roper

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CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF KINGS PART 40

STRUCTURAL SYNERGY, P.T., P.C.,

A/A/O LEVONE, BOSTIC,

Plaintiff(s),

-against-

STATE FARM MUTUAL AUTOMOBILE
INS. CO.

Defendant(s).

Index No. CV-727929-22

Motion Cal. # 5,6,32 Motion Seq. #1/2/3

DECISION AND ORDER

Recitation, as required by CPLR §2219(a) of the papers considered in review of this Motion:

Papers

P’s motion for to dismiss AD.....	1
P’s motion to Compel Discovery’s	2
D’s motion to Amend, SJ and dismiss.....	3

Upon the foregoing cited papers, after oral argument, the Decision/Order on Plaintiff’s Motions to dismiss affirmative defenses, to compel discovery responses, and Defendant’s motion to amend, for Summary Judgment and to dismiss is as follows:

ORDERED that Plaintiff’s motion to dismiss Defendant’s affirmative defenses, pursuant to CPLR 3211(b), is GRANTED to the extent that the following affirmative defenses are stricken: 21, 30, 24, 25, 26, 27, 28, 29, 31, 32, 33, 34, 35, 36, 37, 38,43, 50, 51, 52, 53; and it is further

ORDERED that Plaintiff’s motion to compel disclosure, pursuant to CPLR 3124/3126, is GRANTED; and Defendant shall serve complete and verified responses to Plaintiff’s discovery demands within sixty (60) days of this Order; in the event Defendant fails to timely serve complete and verified responses as set forth herein, Defendant may be precluded from offering, using, or relying upon at trial Plaintiff’s demands that were not produced within the time directed by this Order; and it is further

ORDERED that Defendant’s motion for summary judgment (CPLR 3212), to amend, and to dismiss is DENIED in its entirety; the branch of Defendant’s motion seeking amendment of the caption and/or amendment of the pleadings is DENIED, where Defendant relies upon a declaratory judgment order issued in a separate action involving a different carrier, and Defendant has failed to submit competent proof— including an affidavit from a person with knowledge or other admissible evidence—establishing that the entity referenced in the declaratory judgment action is the proper party to be substituted herein and/or that Plaintiff sued the wrong entity; conclusory assertions are insufficient. *See Quality Health Supply Corp. v Hertz Co.*, 68 Misc 3d 131(A), 2020 NY Slip Op 50996(U) (App Term 2d Dep’t, 2d, 11th & 13th Jud Dists Aug. 28, 2020)

