

**State Farm Fire & Cas. Co. v  
5th Ave. Wellness Medicine, P.C.**

2026 NY Slip Op 30314(U)

January 27, 2026

Supreme Court, New York County

Docket Number: Index No. 152319/2025

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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STATE FARM FIRE AND CASUALTY COMPANY,

Plaintiff,

- v -

INDEX NO. 152319/2025

MOTION DATE 08/01/2025

MOTION SEQ. NO. 001

5TH AVENUE WELLNESS MEDICINE, P.C.,814 UNDERCLIFF MEDICAL, P.C.,A1 MED SUPPLY INC.,ACCU REFERENCE MEDICAL LAB LIMITED LIABILITY COMPANY, ACCURATE MONITORING, LLC,ALL CITY FAMILY HEALTHCARE CENTER, INC.,ARGYLE PHARMACY, INC.,ATLANTIC MEDICAL & DIAGNOSTIC, P.C.,BANAY PHYSICAL THERAPY, P.C.,BRONX CHIROPRACTIC REHABILITATION, P.C.,CHAI DIAGNOSTICS, LLC,EAST TREMONT MEDICAL CENTER, EASY CARE PT, P.C.,EMPIRE STATE AMBULATORY SURGERY CENTER, ENGLINTON MEDICAL, P.C.,ETM-ASC AMBULATORY SURGERY D/B/A THE AMBULATORY SURGERY CENTER OF EAST TREMONT MEDICAL CENTER, FIRST CLASS MEDICAL, P.C.,GAETAN JEAN MARIE, FAMILY HEALTH NP, PLLC,GET WELL RX INC.,H PLAZA PHARMACY INC. DBA MOUDNA PHARMACY, HEALTH HEAVEN SERVICES INC.,INNATE WORK CHIROPRACTIC, P.C.,LEVIATHAN WELLNESS MEDICAL, PLLC,LONGEVITY MEDICAL SUPPLY, INC.,MEDCOMFORT SUPPLY, INC.,MEDICAL MRI, P.C.,MONTEFIORE NEW ROCHELLE HOSPITAL, MONTEFIORE NYACK HOSPITAL, NEUROPHYSIOLOGIC INTERPRETIVE MEDICINE, PLLC DBA NEUROPHYSIOLOGIC INTERPRETIVE SPECIALIST, NEW YORK MEDICAL & DIAGNOSTIC CARE, P.C.,NEWTON MED SUPPLIES CORP., NEXTSTEP HEALING, INC.,NYC GREAT SUPPLY INC.,NYEEQASC, LLC DBA NORTH QUEENS SURGICAL CENTER, ORTHO RECOVERY CORP., PAINDOCTORS MEDICAL LLC,PEOPLE'S CHOICE PHARMACY NY CORP., PHARM CARERX INC. DBA CARE-RX PHARMACY, R&E MEDS, LLC,REFUAH DIAGNOSTICS LLC,RIDGEWOOD MEDICAL SERVICES, P.C.,RIGHT CHOICE SUPPLY, INC.,RIO MED SOLUTIONS CORP., ROXBURY ANESTHESIA, LLC,SEDATION VACATION PERIOPERATIVE MEDICINE, PLLC,HEMESH CHIROPRACTIC, P.C.,STAR MEDICAL IMAGING, P.C.,SURGICORE OF JERSEY CITY, LLC,TOWN OF PELHAM EMS, U.K. SINHA PHYSICIAN, P.C.,ULTIMATE RX PHARMACY INC.,UNION RX PHARMACY INC.,MARIBEL REYNOSO PERALTA, DANIEL MELARA TOME, HECTOR LUIS SANCHEZ, PRISCILA

DECISION + ORDER ON MOTION

VILLAGRAN ARAUJO

Defendants.

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The following e-filed documents, listed by NYSCEF document number (Motion 001) 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 99, 100

were read on this motion to/for JUDGMENT - DEFAULT.

Upon the foregoing documents, it is

ORDERED that in light of the stipulation of withdrawal (NYSCEF Doc No 100), the motion is permitted to be withdrawn as against defendants BANAY PHYSICAL THERAPY P.C., EMPIRE STATE AMBULATORY SURGERY CENTER, NYEEQASC LLC d/b/a NORTH QUEENS SURGICAL CENTER, and RIDGEWOOD MEDICAL SERVICES P.C.; and it is further

ORDERED that in light of the stipulations of discontinuance (NYSCEF Doc No 103, 106), the action is discontinued as against defendants R&E MEDS LLC and ENGLINTON MEDICAL P.C.; and it is further

ORDERED that plaintiff's motion for a default judgement is granted as against defendants 5TH AVENUE WELLNESS MEDICINE, P.C., A1 MED SUPPLY INC., ACCU REFERENCE MEDICAL LAB LIMITED LIABILITY COMPANY, ACCURATE MONITORING, LLC, ARGYLE PHARMACY, INC., ATLANTIC MEDICAL & DIAGNOSTIC, P.C., CHAI DIAGNOSTICS, LLC, EASY CARE PT, P.C., FIRST CLASS MEDICAL, P.C., GAETAN JEAN MARIE, FAMILY HEALTH NP, PLLC, GET WELL RX INC., H PLAZA PHARMACY INC. d/b/a MOUDNA PHARMACY, INNATE WORK CHIROPRACTIC, P.C., LEVIATHAN WELLNESS MEDICAL, PLLC, MEDCOMFORT SUPPLY, INC., MEDICAL MRI, P.C., MONTEFIORE NEW ROCHELLE HOSPITAL, MONTEFIORE NYACK HOSPITAL, NEUROPHYSIOLOGIC INTERPRETIVE MEDICINE,

PLLC d/b/a NEUROPHYSIOLOGIC INTERPRETIVE SPECIALIST, NEW YORK MEDICAL & DIAGNOSTIC CARE, P.C., NEXTSTEP HEALING, INC., NYC GREAT SUPPLY INC., ORTHO RECOVERY CORP., PEOPLE'S CHOICE PHARMACY NY CORP., PHARM CARERX INC. d/b/a CARE-RX PHARMACY, REFUAH DIAGNOSTICS LLC, RIGHT CHOICE SUPPLY, INC., RIO MED SOLUTIONS CORP., ROXBURY ANESTHESIA, LLC, SEDATION VACATION PERIOPERATIVE MEDICINE, PLLC, SHEMESH CHIROPRACTIC, P.C., STAR MEDICAL IMAGING, P.C., TOWN OF PELHAM EMS, U.K. SINHA PHYSICIAN, P.C., ULTIMATE RX PHARMACY INC., UNION RX PHARMACY INC., MARIBEL REYNOSO PERALTA, DANIEL MELARA TOME, and PRISCILA VILLAGRAN ARAUJO (the defaulting defendants),<sup>1</sup> 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 the defaulting defendants' default (CPLR § 3215; *Nouveau Elevator Ind. v Tracey Towers Hous.*, 95 AD3d 616 [1<sup>st</sup> Dept 2012]); and it is further

ORDERED, ADJUDGED and DELCARED that plaintiff owes no duty to pay any no-fault claims of the defaulting defendants arising out of the alleged incidents of April 30, 2024 (claim number 32-69K1-29Q) and June 6, 2024 (claim number 32-69D3-88K); and it is further

ORDERED that all no-fault lawsuits and arbitrations brought by the defaulting defendants relating to the subject incidents are permanently stayed; and it is further

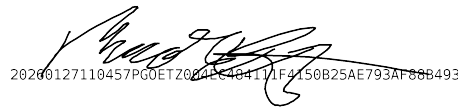
ORDERED that this action is severed and continued as against the remaining defendants; and it is further

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<sup>1</sup> Defendants 5th Avenue Wellness Medicine P.C., A1 Med Supply Inc., Leviathan Wellness Medical PLLC, NYC Great Supply Inc., Atlantic Medical & Diagnostic P.C., and Medical MRI P.C. filed answers, but they were untimely (NYSCEF Doc Nos 65, 66, 104). Plaintiff also seeks a judgment of default as against Dynamic Medical Imaging P.C., but this entity is not included in the caption.

ORDERED that the part of plaintiff’s motion pursuant to CPLR § 306-b for an extension of time to serve defendants PAINDOCTORS MEDICAL LLC (PainDoctors) and HECTOR LUIS SANCHEZ (Sanchez) is denied because the affidavit of non-service on PainDoctors only reflects one attempt at service and plaintiff does not detail any further efforts to determine the correct address (NYSCEF Doc No 78, p. 2 [“The address is a private residence. The resident answered the door, said she never heard of Paindoctors”]); and the affidavit of non-service on Sanchez reflects that service was attempted at 128 Osborn Street, Apt. 3, Brooklyn, NY 11212 (*id.*, p. 3), though Sanchez represented that his address is 92-18 107 Avenue, Ozone Park, NY 11417 (NYSCEF Doc No 85, p. 44).

ORDERED that the remaining parties are directed to attend a preliminary conference on April 30, 2026 at 9:30 a.m.



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|-----------------------|---|--|---|
| <u>1/27/2026</u>      |   |  | <u>PAUL A. GOETZ, J.S.C.</u>                              |
| DATE                  |   |  |   |
| CHECK ONE:            | <input type="checkbox"/> CASE DISPOSED              | <input checked="" type="checkbox"/> DENIED | <input checked="" type="checkbox"/> NON-FINAL DISPOSITION |
| APPLICATION:          | <input type="checkbox"/> GRANTED                    |  | <input checked="" type="checkbox"/> GRANTED IN PART       |
| CHECK IF APPROPRIATE: | <input type="checkbox"/> SETTLE ORDER               |  | <input type="checkbox"/> OTHER                            |
|                       | <input type="checkbox"/> INCLUDES TRANSFER/REASSIGN |  | <input type="checkbox"/> FIDUCIARY APPOINTMENT            |
|                       |   |  | <input type="checkbox"/> REFERENCE                        |