

Easy Care Med. Servs., P.C. v National Gen. Ins. Co.

2026 NY Slip Op 30530(U)

February 4, 2026

Civil Court of the City of New York, Kings County

Docket Number: Index No. 717012/22

Judge: Sherveal R. Mimes

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CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF KINGS

Index No: 717012/22
Part 41NFA Motion Cal. #21

Easy Care Medical Services, P.C., a/a/o Gonzalez Patricia,
Charmaine,

DECISION/ORDER

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

Plaintiff,

Papers

– against –

- Notice of Motion _____
- Notice of Cross-Motion _____
- Affirmation in Opposition _____
- Reply _____
- Other _____

National General Insurance Company
Defendant.

Upon the foregoing cited papers, the Decision/Order on Plaintiff’s motion for default judgment is as follows:

On April 24, 2025, the court reviewed a companion case with the same issues. After oral argument the court found that Defendant’s arguments are unavailing, and Defendant attached no affidavits or admissible proof to rebut the same. Further, Defendant does not deny CSC is its registered agent both on the record and in its rejection letter.

A defendant may waive the issue of lack of personal jurisdiction by appearing in an action, either formally or informally, without raising the defense of lack of personal jurisdiction in an answer or pre-answer motion to dismiss. *Cadlerock Joint Venture, L.P. v Kierstedt*, 119 A.D.3d 627 (2nd Dept., 2014); *see also*, *United States Bank N.A. v. Cadoo*, 197 A.D.3d 588 (2nd Dept., 2021). Here, Defendant has failed to file an answer or pre-answer motion to dismiss, or cross-move raising the defense of lack of personal jurisdiction. Raising it in its opposition papers, without more, is deemed a waiver of Defendant’s objection to personal jurisdiction based on improper service.

In keeping with prior decision, Plaintiff motion for default judgment pursuant to CPLR 3215 is granted and judgment in favor of Plaintiff for the amount in the summons and complaint plus interest, attorney’s fees, costs and disbursements.

This constitutes the Decision and Order of the Court.

Counsel for Plaintiff – Printed Name: Richard Rozhik , Esq.

Counsel for Defendant – Printed Name: Scott Schwaber, Esq.

Dated: 2/4/2026
Brooklyn, NY


Hon. Sherveal R. Mimes, J.C.C.

ENETERED - Kings Civil Court
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