

Hertz Vehs., LLC v Atlantic Med. & Diagnostic, P.C.
2026 NY Slip Op 31344(U)
April 1, 2026
Supreme Court, New York County
Docket Number: Index No. 155475/2025
Judge: Nicholas W. Moyne
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SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY

PRESENT: HON. NICHOLAS W. MOYNE PART 41M

Justice

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HERTZ VEHICLES, LLC, AND ALL OF ITS AFFILIATES AND SUBSIDIARIES, INCLUDING BUT NOT LIMITED TO THE HERTZ CORPORATION, AND HERTZ CO.,

Plaintiff,

- v -

ATLANTIC MEDICAL & DIAGNOSTIC, P.C., BANAY PHYSICAL THERAPY, P.C., BROWN STONE ACUPUNCTURE, P.C., DIAGNOSTIC TESTING CHIROPRACTIC, P.C., GOAL PHYSICAL THERAPY, P.C., HEALTHY FUTURE PRODUCTS CORP, INTEGRATIVE FAMILY HEALTH NP, PLLC, JULES PARI SIEN, M.D., MARCO EQUIPMENT, INC., MEDCOMFORT SUPPLY, INC., METROCARE MEDICAL, P.C., MOUNT OLYMPUS IMAGING, LLC, PROMPT MEDICAL GROUP, INC., QUEENS MEDICAL PROFESSIONAL, P.C., ROMAN VAYNSHTEYN CHIROPRACTIC, P.C., SPECTRUM DIAGNOSTIC IMAGING, P.C., SUNSET MEDICAL SUPPLY, INC., TRIUMPH PHARMACY, LLC, WELLNESS WORX INCORPORATED, JOSHUA NETHERSOLE,

Defendant.

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INDEX NO. 155475/2025
MOTION DATE 09/24/2025
MOTION SEQ. NO. 001

DECISION + ORDER ON MOTION

The following e-filed documents, listed by NYSCEF document number (Motion 001) 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51

were read on this motion to/for JUDGMENT - DEFAULT

Upon the foregoing documents, it is

In this no-fault action, plaintiff has demonstrated its entitlement to a default judgment by submitting proof of service, proof of the facts constituting its claims, and proof of defendants' default (CPLR § 3215; Nouveau Elevator Ind. v Tracey Towers Hous., 95 AD3d 616 [1st Dept 2012]). Defendant ATLANTIC MEDICAL & DIAGNOSTIC, P.C. answered the complaint following the filing of the instant motion. In light of the strong policy favoring adjudication on the merits, the court accepts the answer of ATLANTIC MEDICAL & DIAGNOSTIC, P.C. and therefore denies the motion as to said defendant. Accordingly, it is

ORDERED that the portion of plaintiff's motion which seeks a default judgment against defendant ATLANTIC MEDICAL & DIAGNOSTIC, P.C. is denied; and it is further

ORDERED that the remaining portion of plaintiff's motion seeking a default judgement is GRANTED; and it is further

ORDERED, ADJUDGED and DELCARED that the plaintiff owes no duty to afford, pay or cover any no-fault claims of BROWN STONE ACUPUNCTURE, P.C., DIAGNOSTIC TESTING CHIROPRACTIC, P.C., INTEGRATIVE FAMILY HEALTH NP, PLLC, MEDCOMFORT SUPPLY, INC., QUEENS MEDICAL PROFESSIONAL, P.C., SPECTRUM DIAGNOSTIC IMAGING, P.C., SUNSET MEDICAL SUPPLY, INC., WELLNESS WORX INCORPORATED and JOSHUA NETHERSOLE ("Defaulting Defendants") with respect to the alleged collision that occurred on September 4, 2024, referenced by claim number 1M01M013955072; and it is further

ORDERED that all lawsuits and arbitrations brought by the defaulting defendants in connection with the alleged September 4, 2024, incident are permanently stayed; and it is further

ORDERED that the Clerk is directed to enter judgment as against the Defaulting Defendants and in favor of plaintiff, with costs and disbursements to plaintiff; and it is further

ORDERED that plaintiff shall submit judgment directly to the Clerk of the Court, not chambers or the Part, unless otherwise directed by the Clerk of the Court; and it is further

ORDERED that any such service upon the Clerk of the Court shall be made in accordance with the procedures set forth in the Protocol on Courthouse and County Clerk Procedures for Electronically Filed Cases (accessible at the "efiling" page on this court's website).

ORDERED that the remaining claims against the remaining defendants are severed and continued; and it is further

ORDERED that the portion of plaintiff's motion for leave to amend the complaint is granted; and it is further

ORDERED that the amended complaint, in the form annexed to the motion papers, shall be deemed served upon service of a copy of this order with notice of entry upon all parties who have appeared in the action; and it is further

ORDERED that a supplemental summons and amended complaint, in the form annexed to the motion papers, shall be served, in accordance with the Civil Practice Law and Rules, upon the additional parties in this action within 30 days after service of a copy of this order with notice of entry; and it is further

ORDERED that this decision shall not have any issue determinative, precedential, or res judicata effect as to any answering defendants; and it is further

ORDERED that the action shall bear the following caption:

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HERTZ VEHICLES, LLC, AND ALL OF ITS
AFFILIATES AND SUBSIDIARIES, INCLUDING
BUT NOT LIMITED TO THE HERTZ
CORPORATION, AND HERTZ CO.,

Plaintiffs

-v-

ATLANTIC MEDICAL & DIAGNOSTIC,
P.C.,BANAY PHYSICAL THERAPY, P.C.,BROWN
STONE ACUPUNCTURE, P.C.,DIAGNOSTIC
TESTING CHIROPRACTIC, P.C.,GOAL
PHYSICAL THERAPY, P.C.,HEALTHY FUTURE
PRODUCTS CORP, INTEGRATIVE FAMILY
HEALTH NP, PLLC,JULES PARIEN, M.D.,
MARCO EQUIPMENT, INC.,MEDCOMFORT
SUPPLY, INC.,METROCARE MEDICAL,
P.C.,MOUNT OLYMPUS IMAGING, LLC,PROMPT
MEDICAL GROUP, INC.,QUEENS MEDICAL
PROFESSIONAL, P.C.,ROMAN VAYNSHTEYN
CHIROPRACTIC, P.C.,SPECTRUM DIAGNOSTIC
IMAGING, P.C.,SUNSET MEDICAL SUPPLY,
INC.,TRIUMPH PHARMACY, LLC,WELLNESS
WORX INCORPORATED, 135 JERICHO
PHARMACY CORP, and JOSHUA NETHERSOLE

Defendants

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And it is further

ORDERED that this

ORDERED that counsel for the moving party shall serve a copy of this order with notice of entry upon the County Clerk and the Clerk of the General Clerk’s Office, who are directed to mark the court’s records to reflect the parties being added pursuant hereto; and it is further

ORDERED that such service upon the County Clerk and the Clerk of the General Clerk’s Office shall be made in accordance with the procedures set forth in the *Protocol on Courthouse and County Clerk Procedures for Electronically Filed Cases* (accessible at the “E-Filing” page on the court’s website).

