

SHORT FORM ORDER

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NASSAU

P R E S E N T : HON. JEFFREY S. BROWN  
JUSTICE

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PROGRESSIVE GARDEN STATE INSURANCE CO.,

TRIAL/IAS PART 21

INDEX # 006762/11

Plaintiff,

Motion Seq. 1

Motion Date 8.9.11

Submit Date 9-7-11

-against-

JEAN GARDY MOLIERE, DAPHNEE PASQUIER,  
DWANE ANTHONY POWELL, MICHAEL CARTER,  
DENZEL LEWIS, 525 EVM, INC., B.Y. M.D., P.C.,  
BARON LEA INC., BIG APPLE ORTHO MED SUPPLY,  
INC., CITY CARE ACUPUNCTURE, P.C.  
COMPREHENSIVE ANESTHESIA ASSOCIATES, PLLC,  
CORTLAND MEDICAL SUPPLY, INC., EXCEL  
IMAGING, P.C., HAAR ORTHOPAEDICS & SPORTS  
MEDICINE, P.C. KINGS COUNTY HOSPITAL CENTER,  
MEDCARE SUPPLY, INC., METRO PSYCHOLOGICAL  
SERVICES, P.C., MK CHIROPRACTIC, P.C., NU LIFE  
MED, LLC., OASIS PHYSICAL THERAPY, P.C.  
PREMIER SURGICAL SERVICES , P.C., QUALITY  
MEDICAL SUPPLY, INC., UPPER EASTSIDE  
SURGICAL, PLLC.,

Collectively, the Defendants.

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The following papers were read on this motion:

Papers Numbered

Notice of Motion, Affidavits (Affirmations), Exhibits Annexed..... 1  
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Upon the foregoing papers, this unopposed motion submitted by the plaintiff, seeking an order, pursuant to CPLR § 3215, granting it a default judgment against the defendants, Denzel Lewis, 525 EVM, Inc., B.Y., M.D., P.C., Baron Lea Inc., Big Apple Ortho Med supply, Inc., Comprehensive Anesthesia Associates, PLLC, Excel Imaging, PC, Haar Orthopaedics & Sports Medicine, PC, Medicare Supply Inc., Metro Psychological Services, PC, NU Life Med, LLC, Premier Surgical Services, PC, Quality Medical Supply, Inc, Upper Eastside Surgical, PLLC , is decided as provided herein.

The plaintiff commenced this action by filing a summons and complaint on May 6, 2011. The plaintiff has now submitted proper proof of service. The defendants have failed to answer or otherwise appear in this action.

It appears from a review of the documentation presented that all necessary parties have been served with notice of this application.

Accordingly, it is hereby

**ORDERED**, that the plaintiff is awarded a default judgment, pursuant to CPLR § 3215, as against the defendants; and it is further

**ORDERED**, that this matter shall be set down for an inquest, subject to the approval of the Justice there presiding and provided a note of issue has been filed at least ten (10) days prior thereto, in the Calendar Control Part on the **October 27, 2011 at 9:30 a.m.** to assess the appropriate amount of damages. This directive with respect to a hearing is subject to the right of the Justice presiding in the Calendar Control Part to refer the matter to a Justice, Judicial Hearing Officer or a Court Attorney/Referee as he or she deems appropriate; and it is further

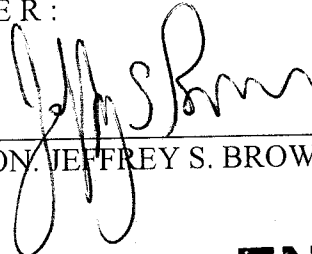
**ORDERED**, that the plaintiff shall serve a copy of this order upon the defendants, by certified mail, return receipt requested and by regular mail; and it is further

**ORDERED**, that a copy of this order shall be served on the Calendar Clerk along with the note of issue. The failure to file a note of issue as directed or appear as directed may be deemed an abandonment of the claims giving rise to the hearing.

The foregoing constitutes the decision and order of this Court. All applications not specifically addressed herein are denied.

Dated: Mineola, New York  
September 9, 2011

ENTER:

  
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HON. JEFFREY S. BROWN, JSC

Attorney for Plaintiff  
McCormack & Mattei, PC  
1035 Stewart Avenue, 2<sup>nd</sup> & 3<sup>rd</sup> Floors  
Garden City, NY 11530

**ENTERED**  
SEP 13 2011  
NASSAU COUNTY  
COUNTY CLERK'S OFFICE