

SUPREME COURT - STATE OF NEW YORK

PRESENT: HON. R. BRUCE COZZENS, JR.
Justice.

TRIAL/IAS PART 10
NASSAU COUNTY

SHYAM MEHTA,

Plaintiff(s),

-against-

AVIS RENT A CAR SYSTEMS, INC., PV HOLDING
CORP., ALEJANDRO HUMBERTO DELGATO,
NICK MONTANA, JR. "ABC CORPORATION"
(its name being fictitious and unknown), and/or
"DEF CORPORATION" (its name being fictitious
and unknown) and/or "XYZ CORPORATION"
(its name being fictitious and unknown) and JOHN DOE,

Defendant(s).

MOTION #001
INDEX#8868/2005
MOTION DATE:
March 8, 2007

The following papers read on this motion:

Notice of Motion.....1
Answering Affidavits.....2

Upon the foregoing papers, it is ordered that the application of the defendants Avis Rent A Car Systems Inc. and PV Holding Corp. for an order granting a commission to conduct the depositions of Dr. Prem K. Rangala and Dr. Shams Qureshi is determined as hereinafter set forth.

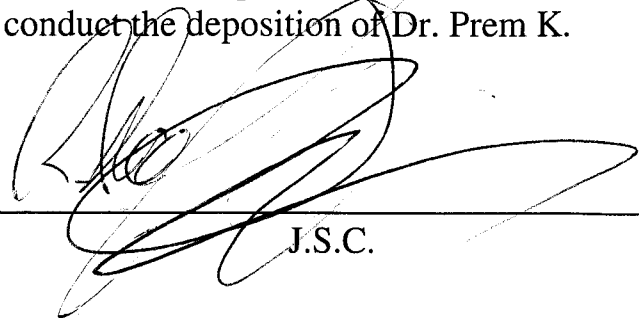
The instant application arises out of the personal injuries sustained by the plaintiff as the result of a motor vehicle accident that occurred on September 11, 2003. Through discovery, the defendant obtained information indicating that the plaintiff was involved in prior accidents, as well as a subsequent accident where he sustained similar injuries to those alleged in the instant matter. The defendants now seek to depose two out of state physicians who rendered care and treatment to plaintiff for these other accidents.

In the instant matter, the Court finds the discovery sought by the defendant to be "material and necessary" to the defense of this action (CPLR 3101 [a]; see *Allen v Crowell-Collier Pub. Co.*, 21 NY2d 403, 406-407, 288 NYS2d 449, 235 NE2d 430). As a result, the Court finds the defendants' application for commissions to be appropriate. (see *Stanzione v Consumers Builders Inc.*, 149 AD2d 682, 540 NYS2d 482 [2nd Dept., 1989]).

As such, the application for a commission to conduct the deposition of Dr. Prem K. Rangala and Dr. Shams Qureshi is granted.

Dated:

APR 30 2007



J.S.C.

ENTERED
MAY 08 2007
NASSAU COUNTY
COUNTY CLERK'S OFFICE