

SCAN

SHORT FORM ORDER

**SUPREME COURT - STATE OF NEW YORK**

PRESENT: HON. R. BRUCE COZZENS, JR.

Justice.

TRIAL/IAS PART 4  
NASSAU COUNTY

21ST CENTURY ADVANTAGE INSURANCE  
COMPANY,

Plaintiff(s),

-against-

MOTION #001  
INDEX #17496/11  
MOTION DATE:  
April 25, 2012

TASHIMA BREWSTER A/K/A TASHIMA D. BREWSTER,  
ASIA STANLEY A/K/A ASIA V. STANLEY, DEION  
DAVIS A/K/A DEION L. DAVIS A/K/A DELON DAVIS,  
KAMAL MCKENZIE A/K/A KAMAAL L. MCKENZIE,  
THIERRY DIOGENE A/K/A THIERRY EIOGENE, MIRIAM  
FELDMAN, MOLLY FELDMAN A/K/A MOLLY G. FELDMAN  
A/K/A MOLLY JEAN FELDMAN A/K/A MOLLY ELM FELDMAN,  
RIHANNA BREWSTER AND INFANT BY P/N/G SILVANO  
BREWSTER, DAVID MINGOT A/K/A DAVID L. MINGOT A/K/A  
DAVID MIGO A/K/A DAVID L. MINGOTKINGS A/K/A DAVID  
L. MINGO, ASHLEY DORROH A/K/A ASHLEY M. DORROH,  
LOUIS BLEARY A/K/A LOUIS A. BLEARWY, JR., KWAME  
BENNETT A/K/A KWAME N. BENNETT, TEVIN GONZALES  
A/K/A KEVIN GONZALES A/K/A KEVIN AKEEN GONSALES  
("INDIVIDUAL DEFENDANTS").

-AND-

ACCURATE MEDICAL DIAGNOSTIC, P.C.,  
ACUPUNCTURE & MASSAGE THERAPY, PLLC,  
ADVANCED MEDICAL CARE, P.C., AMD CHIROPRACTIC,  
P.C., AMERICAN ASIAN ACUPUNCTURE, PLLC, ATLANTIC  
RADIOLOGY IMAGING, P.C., BEDFORD MEDICAL CARE, P.C.,  
BONNE SANTO, INC., CAREFUL COMPLETE MEDICAL, P.C.,

COMPREHENSIVE PSYCHOLOGICAL EVALUATION, P.C.,  
 COMPREHENSION PT, P.C., CORTLAND MEDICAL SUPPLY,  
 INC., DIVERSIFIED DIAGNOSTIC SERVICES MEDICAL CARE,  
 P.C., EMPIRE CITY LABORATORIES, INC., EXCELLENT CARE  
 PHYSICAL THERAPY, P.C., FITNESS PHYSICAL THERAPY, P.C.,  
 FIVE BORO PSYCHOLOGICAL AND LICENSED MASTER SOCIAL  
 WORK SERVICES, PLLC, GOODWILL ACUPUNCTURE, P.C.,  
 GREAT MEDICAL SERVICES, P.C., HILLSIDE SURGICARE,  
 INTEGRAL ASSIST MEDICAL, P.C., MAGIC TOUCH PHYSICAL  
 THERAPY, P.C., MOBILITY EXPERTS MEDICAL, P.C., MODERN  
 CHIROPRACTIC, P.C., M&M MEDICAL, P.C., M. SADEES, M.D.,  
 P.C., NARCISSE VERSAILLES, M.D., NAQIY MEDICAL SERVICES,  
 P.C., NEXT CENTURY ENTERPRISES, INC., PAINEASE MASSAGE  
 THERAPY, P.C., PARK RADIOLOGY, P.C., PRECISION MEDICAL  
 DIAGNOSTICS OF NY, P.C., PRIORITY MEDICAL DIAGNOSTICS, P.C.,  
 PROFESSIONAL HEALTH IMAGING, P.C., PUGSLEY CHIROPRACTIC,  
 PLLC, QUALITY HEALTH PRODUCTS, INC., QUEENS ARTHROSCOPY &  
 SPORTS MEDICINE, P.C., SADY RIBIERO, SHORE MEDICAL  
 DIAGNOSTIC, P.C., SHROM ACUPUNCTURE, P.C., SUPERIOR HEALTH  
 CHIROPRACTIC, P.C., SYLVIA LOBO, M.D., UTOPIA EQUIPMENT, INC.,  
 VEGA CHIROPRACTIC, P.C., WILLIAM H. HAMMOND, JR.,  
 D.C., W.H.O. ACUPUNCTURE, P.C. AND YLS ACUPUNCTURE, P.C.,  
 ("PROVIDER DEFENDANTS"),

Defendant(s).

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The following papers read on this motion:

Order to Show Cause.....1  
 Affirmation in Opposition.....1  
 Reply Affirmation.....1

Upon the foregoing papers, it is ordered that plaintiffs' application for an order staying all no-fault proceedings is determined as hereinafter set forth.

The plaintiff commenced this action for declaratory judgment that it is not obligated to provide coverage under certain motor vehicle insurance policies. In support of the application the plaintiff maintains that the insured were involved in staged accidents.

"To establish entitlement to a preliminary injunction, a movant must establish (1) a likelihood or probability of success on the merits; (2) irreparable harm in the absence of an injunction, and (3) a balance of the equities in favor of granting the injunction (see CPLR

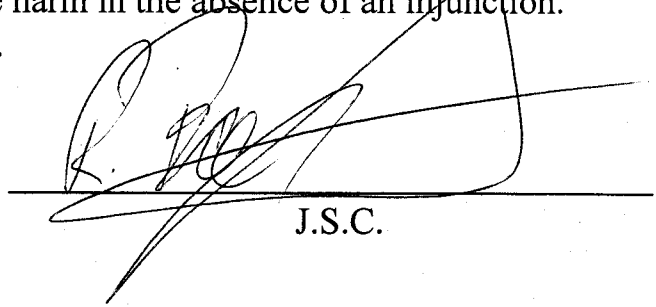
6301; *Doe v Axelrod*, 73 NY2d 748, 750, 532 NE2d 1272, 536 NYS2d 44; *WT Grant Co. v Srogi*, 52 NY2d 496, 517, 420 NE2d 953, 438 NYS2d 761). 'Irreparable injury, for the purposes of equity, has been held to mean any injury for which money damages are insufficient' (Matter of Walsh v Design Concepts, 221 AD2d 454, 455, 633 NYS2d 579; see *McLaughlin, Piven, Vogel v Nolan & Co.*, 114 AD2d 165, 174, 498 NYS2d 146). Conversely, '[e]conomic loss, which is compensable by money damages, does not constitute irreparable harm' (*EdCia Corp. v McCormack*, 44 AD3d 991, 994, 845 NYS2d 104; see *Neos v Lacy*, 291 AD2d 434, 435, 737 NYS2d 394)." *DiFabio v Omnipoint Communications Inc.* 66 AD3d 635, 887 NYS2d 168 [2nd Dept., 2009].

In the instant matter, the Court finds that the plaintiff has failed to establish the likelihood of success on the merits, nor irreparable harm in the absence of an injunction.

As such, the plaintiffs' application is denied.

Dated:

JUL 05 2012



J.S.C.

**ENTERED**

JUL 09 2012

**NASSAU COUNTY  
COUNTY CLERK'S OFFICE**