

SHORT FORM ORDER

SUPREME COURT - STATE OF NEW YORK

Present:

HON. GEOFFREY J. O'CONNELL

Justice

TRIAL/IAS, PART 6

NASSAU COUNTY

ONE BEACON INSURANCE GROUP and any and all of
its subsidiaries and affiliates, including, but not limited
to AUTOONE INSURANCE COMPANY, GENERAL
ASSURANCE COMPANY,

Plaintiff(s),

INDEX No. 17748/05

-against-

MOTION DATE: 2/6/06

VERONA MANAGEMENT, INC., TEM MANAGEMENT,
INC., POVOLI MANAGEMENT, INC., MICHAEL GITSIS,
SEMEN KOPLAN, WALTER ANDREW MEDINA, SR., M.D.,
IRENE TREBISOVSKY, MICHAEL TREBISOVSKY a/k/a
MIKHAIL K. TREBISOSKAY, JACK KOYFMAN a/k/a JACK
KOEFFMAN, WM MEDICAL SERVICES, P.C., PONCE
MEDICAL, P.C., UNITED COMPREHENSIVE MEDICAL,
P.C., CHI-POINT ACUPUNCTURE, P.C., WAM MEDICAL,
P.C., OMNI MEDICAL SERVICES, P.C., BAY MEDICAL,
P.C., NEW ABILITY MEDICAL, P.C., MT. SINAI DENTAL
SURGERY, P.C., DAVID GAVLIN, DDS, MEYERZON
SAVELY, LAC, JEAN FUTORAN, M.D., MELCHIAS
MUKENDI, M.D., ARTHUR LUBAN, M.D., RICHARD
YALDIZIAN, M.D., CONTACT CHIROPRACTIC, P.C.,
VITO LAFARRERA CHIROPRACTIC, P.C., VITO A.
LAFERRERA, D.C., TRADITIONAL ACUPUNCTURE, P.C.,
WALTER KARPINSKI ACUPUNCTURE, P.C., M.N.M.
MEDICAL HEALTH CARE, P.C., WALTER KARPINSKY
a/k/a WOJCIECH KARPINSKI, NACHMY BRONSTEIN,
D.C., BODY BIO CHIROPRACTIC, P.C., PEARL
MEDICAL, P.C., RELIANCE MEDICAL, P.C., OSTIA
MEDICAL, P.C., VITAL MEDICAL CARE, P.C., WEXFORD
MEDICAL, P.C., EAST COAST CHIROPRACTIC, P.C.,
LEFRAC MEDICAL, P.C., CLEAR LIGHT PSYCHOLOGICAL
SERVICES, P.C., PHIL COSTA, SPIRITUAL
ACUPUNCTURE, P.C., GINA ZAPATA, SCOTT MURPHY,
D.C. IGOR CHANMIN, M.D., KEVIN MOSER,

MOTION SEQ. No. 1-MOD

Defendant(s).

The following papers read on this motion:
Notice of Motion/Affirmation/Exhibits
Affirmation in Opposition/Exhibits
Reply Affirmations

Counsel for plaintiff insurance company seeks Orders granting her client a default judgment against certain non-appearing defendants pursuant to CPLR § 3215.

Plaintiff issues insurance policies in the State of New York which include the provisions for No-Fault benefits. Under the No-Fault laws, insureds can assign their rights to benefits to providers of medically necessary treatment and tests. Pursuant to validly executed assignments, insurers are obligated to pay an insured's No-Fault benefits directly to the health care provider. New York's Insurance regulations provide that to be compensated under No-Fault, the service providers must be licensed. 11 NYCRR § 65.15(0)(1)(vi) & 11 NYCRR § 65-3.16(6). Unlicensed or fraudulently licensed providers are ineligible for reimbursement pursuant to 11 NYCRR § 65-3.16(a)(12).

In its Complaint plaintiff seeks to recover monies wrongly paid to the defendants alleging that they are, or are involved in fraudulent incorporations, and are ineligible for payment.

Plaintiff seeks default judgments to be issued against the following defendants: (1) TREM MANAGEMENT, INC.; (2) IRENE TREBISOVSKY; (3) MICHAEL TREBISOVSKY a/k/a MIKHAIL K. TRESOSKAY; (4) WM MEDICAL SERVICES P.C.; (5) PONCE MEDICAL P.C.; (6) UNITED COMPREHENSIVE MEDICAL, P.C.; (7) WAM MEDICAL P.C.; (8) OMNI MEDICAL SERVICES, P.C.; (9) Mt. SINAI DENTAL SURGERY, P.C.; (10) DAVID GALVIN, DDS; (11) MELCHIAS MUKENDI, M.D.; (12) WALTER KARPINSKI ACUPUNCTURE, P.C.; (13) M.N.M. MEDICAL HEALTH CARE, P.C.; (14) WALTER KARPINSKI a/k/a WOJCIECH KARPINSKI; (15) BODY BIO CHIROPRACTIC, P.C.; (16) PEARL MEDICAL, P.C.; and (17) CLEAR LIGHT PSYCHOLOGICAL SERVICES, P.C.

Counsel for the plaintiff offers proof that all of these named defendants were properly served and failed to Answer. She also provides an affidavit of merit to support the claims.


Based on the proof presented, that portion of the plaintiff's motion for a default judgment against those seventeen (17) defendants, is Granted. CPLR § 3215. The remainder of her motion has been withdrawn.

A preliminary conference (22NYCRR 202.12) shall be held at the Preliminary Conference Desk, in the lower level of the Nassau County Supreme Court, on the 21st of April, 2006, at 2:30 p.m. This directive with respect to the date of the conference is subject to the right of the Clerk to fix an alternate date should scheduling require. Counsel for the movant shall serve a copy of this Order on all parties. A copy of the Order with affidavits of service shall be served on the DCM Clerk within seven (7) days after entry.

It is, SO ORDERED.

Dated:

Mar 24, 2006


HON. GEOFFREY J. O'CONNELL, J.S.C.

ENTERED

MAR 30 2006

NASSAU COUNTY
COUNTY CLERK'S OFFICE