

SHORT FORM ORDER

Scan

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NASSAU**

Present:

**HON. DANIEL PALMIERI
Acting Justice Supreme Court**

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PROGRESSIVE INSURANCE COMPANY,

Plaintiff,

-against-

**TERRAIN T. BLOOMFIELD, CARY SMALL,
MATTHEW LLOYD, CAREY RICHARDS,
JIAN XIA GU, AND YOU DENG HUI,**

Individual Defendants,

-and-

**CENTRAL RADIOLOGY SERVICES, P.C.,
A-QUALITY MEDICAL SUPPLY, INC., CITY
DENTAL SERVICES, P.C., UNIQUE
CHIROPRACTIC, P.C., AVE. K MEDICAL P.C.,
ASNODIN DIANALAN, PT, KINGSHWY
PSYCHOLOGICAL P.C., A.S. ACUPUNCTURE,
P.C., SYNERGY FIRST MEDICAL, PLLC, SKY
CHIROPRACTIC, P.C., DOVPHIL
ANESTHESIOLOGY GROUP, MODERN
CHIROPRACTIC, P.C.**

Defendants.

-----x

The following papers have been read on this motion:

Notice of Motion, dated 1-22-09.....1

Plaintiff's unopposed motion pursuant to CPLR §3215 for a default judgment for the relief demanded against them in the complaint is granted as to the following named defendants: Terrain T. Bloomfield, Cary Small, Matthew Lloyd, Carey Richards, You Deng

Hui, Central Radiology Services, P.C., A-Quality Medical Supply, Inc., City Dental Services, P.C., Ave. K. Medical P.C., A.S. Acupuncture, P.C., Synergy First Medical PLLC, Sky Chiropractice, P.C., Dovphil Anesthesiology Group, Modern Chiropractic, P.C.

Pursuant to CPLR §306-b, plaintiff's time to serve the defendants Jian Xia Gu and Asnodin Dianalan, PT, (the Unserved Defendants) is extended *nunc pro tunc* for an additional 150 days from February 28, 2009.

Pursuant to stipulation, the actions against defendant Kingshwy Psychological, P.C., and Unique Chiropractic P.C., have been discontinued. The names of these two defendants are deleted from the caption.

Pursuant to CPLR 603, the action is severed as to the defaulting defendants and shall continue as to the non-defaulting defendants.

The request for attorneys fees is denied as to the defaulting defendants, since plaintiff failed to direct the Court to any contractual or statutory authority to support such request. *Siamos v. 36-02 35th Ave. Development, LLC*, 54 AD3d 842 (2d Dept. 2008).

Plaintiff's application pursuant to CPLR §308-5 for service by publication upon the Unserved Defendants is denied, with leave to renew. Plaintiff has failed to submit an adequate affidavit demonstrating that service is impractical under paragraphs one, two and four of CPLR §308, *See Dobkin v. Chapman*, 21 NY2d 490 (1968); *Contimortgage Corp. v. Isler*, 48 AD3d 732 (2008), by any person with knowledge which reflects the efforts made to locate and serve the defendants for whom such relief is requested. The pre-printed forms with checked boxes submitted by a process server do not comport with requirements for such


relief and the Court notes that the so called affidavits with respect to Asnodin Dianalan, PT are not signed.

This shall constitute the Decision and Order of this Court.

Submit Judgment.

DATED: April 23, 2009

ENTER


HON. DANIEL PALMIERI
Acting Supreme Court Justice

**TO: John E. McCormack, PC
By: Michael Hanratty, Esq.
Attorneys for Plaintiff
41 Hilton Avenue
Hempstead, NY 11550**

ENTERED
APR 27 2009
NASSAU COUNTY
COUNTY CLERK'S OFFICE

**Terrain T. Bloomfield
Defendant Pro Se
521 Schenk Avenue
Brooklyn, NY 11207**

**Cary Small
Defendant Pro Se
765 East 37th Street
Brooklyn, NY 11210**

**Matthew Lloyd
Defendant Pro Se
1058 E. 81st Street, Apt. B1
Brooklyn, NY 11236**

**Carey Richards
Defendant Pro Se
289 Empire Blvd. Apt. 5L
Brooklyn, NY 11225**

Jian Xia Gu
Defendant Pro Se
5324 S. Greenwood Avenue
Chicago, IL 60615

You Deng Hui
Defendant Pro Se
9205 Flatlands
Brooklyn, NY 11236

Asnodian Dianalan, PT
Defendant Pro Se
3303 Avenue K
Brooklyn, NY 11210

Via Secretary of State:

Central Radiology Services, P.C.
Defendant Pro Se
400 Post Avenue, Ste. 104
Westbury, NY 11590

A-Quality Medical Supply, Inc.
Defendant Pro Se
31-36 14th Street
Astoria, NY 11106

City Dental Services, P.c.
Defendant Pro Se
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Ave. K Medical P.C.
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A.S. Acupuncture, P.C.
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Synergy First Medical, PLLC
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Sky Chiropractic, P.C.
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Forest Hills, NY 11375

Dovphil Anesthesiology Group - NJ Corp.
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Modern Chiropractic, P.C.
Defendant Pro Se
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