

SHORT FORM ORDER

**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-

**RONALD LEGERME, ELENA BONDARENKO,
JIMMY BUTLER, TIFFANY AGEDAY, JUNIOR
NICHOLAS, DAVID CERANT, EDNER JACQUES,
SAINTLY ALERTE, JOSEPH DUMERVIL,
THERESA WEEKS, SONIA TAYLOR, JACK
ALBERT, SANDY GACHELIN, MARIE
METELLUS,**

Individual Defendants,

-and-

**RADIOLOGY TODAY, P.C., QUALITY
PSYCHOLOGICAL SERVICES, P.C., NEOMY
MEDICAL, P.C., PERFECT POINT
ACUPUNCTURE, P.C., LIFEX MEDICAL P.C.,
CHIROPRACTIC BACK CARE, P.C., ALEV
MEDICAL SUPPLY, INC., COMFORT SUPPLY,
INC., KARINA K. ACUPUNCTURE, P.C.,
LEONID SIMAKOVSKY, D.C., EAGLE SURGICAL
SUPPLY, INC., URBAN RADIOLOGY, P.C.,
EXCELLENT CARE PHYSICAL THERAPY, PC.,
SIGNA PSYCHOLOGICAL, P.C., HIGH
DEFINITION MRI, P.C., ALIGN FOR HEALTH
CHIROPRACTIC, P.C., AA ACUPUNCTURE
SERVICE P.C., GLM MEDICAL, P.C., EXCEL
IMAGING, P.C., HURGODA PHYSICAL
THERAPIST, P.C., PMR MEDICAL AND
DIAGNOSTIC, P.C., KINGSBROOK JEWISH
MEDICAL CENTER, KINGSWAY ORTHOPEDIC,
P.C., BROOKLYN KINGS HIGHWAY
ANESTHESIOLOGISTS, LLP, KINGS JM CENTER
PBG, ERIC SENAT, PUSH P. BHANSALI,**

Defendants.

TRIAL TERM PART: 47

INDEX NO.: 017579/08

MOTION DATE: 11-17-09

SUBMIT DATE: 11-17-09

SEQ. NUMBER - 002

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The following papers have been read on this motion:

Notice of Motion, dated 10-5-09.....1

Plaintiff's unopposed motion pursuant to CPLR §3215 for a default judgment as to defendant Joseph Dumervil, and for an extension of time to effectuate service *nunc pro tunc* to the date of actual service on this defendant, is granted. Pursuant to CPLR §§306-b and 308(5), the application to discontinue the action without prejudice, as to defendant Junior Nicholas, Saitly Alerte, Jack Albert and Leonid Simakovsky, D.D., is also granted.


The request for attorneys fees is denied as to the defaulting defendant, 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).

This shall constitute the Decision and Order of this Court.

Submit Judgment.

ENTER

DATED: November 18, 2009


HON. DANIEL PALMIERI
Acting Supreme Court Justice

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

**Joseph Dumervil
Defendant Pro Se
453 East 95th Street, Apt. 2R
Brooklyn, NY 11212**

Default Judgment has been previously granted against the following Defendants:
**Ronald Legerme
Elena Bondarenko
Jimmy Butler**

ENTERED
NOV 23 2009
NASSAU COUNTY
COUNTY CLERK'S OFFICE

**Tiffany Ageday
David Cerant
Edner Jacques
Theresa Weeks
Sonia Taylor
Sandy Gachelin**

**Marie Metellus
Quality Psychological Services, P.C.
Neomy Medical, P.C.
Perfect Point Acupuncture, P.C.
Lifex Medical, P.C.
Chiropractic Back Care, P.C.
Alev Medical Supply, Inc.
Comfort Supply, Inc.
Karina K. Acupuncture, P.C.
Eagle Surgical Supply, Inc.
Urban Radiology, P.C.
Excellent Care Physical Therapy, P.C.
Sigma Psychological, P.C.
High Definition MRI, P.C.
Align for Health Chiropractic, P.C.
AA Acupuncture Service, P.C.
GLM Medical, P.C.
Excel Imaging, P.C.
Hurgoda Physical Therapist, P.C.
PMR Medical and Diagnostic, P.C.
Kingsway Orthopedic, P.C.
Brooklyn Kings Highway Anesthesiologists, LLP
Eric Senat**

Action has been discontinued against the following Defendants:

**Radiology Today, PC
High Definition MRI PC
Kingsbrook Jewish Medical Center
Pushp R. Bhansali**