

SHORT FORM ORDER

SUPREME COURT - STATE OF NEW YORK - NASSAU COUNTY

Present:

HON. ANTHONY L. PARGA

Justice

PART 9

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NATIONAL CONTINENTAL INSURANCE  
COMPANY,

Plaintiff,

INDEX NO. 002856/09

-against-

MOTION DATE: 8/3/10  
SEQUENCE NO. 03,04,05

YVENS DEBROSSE AKA YVES DEBROSSE, YDM  
AKA YDM CONSTRUCTION, STEVENSON  
FRANCOIS, JUNIE SANON, LOUIS CHARLES  
and JIBAN SARKAR,

(“Individual Defendants”),

and

ABLE ORTHOPEDIC & SPORT MEDICINE, P.C.  
d/b/a MEHRAN MANOUEL, M.D., ABSOLUTE  
APPROACH MEDICAL, P.C., ADAM MEDICAL  
DIAGNOSTICS, P.C., ALPHA ACCUPUNCTURE,  
P.C., ATLANTIC RADIOLOGY IMAGING, P.C.,  
BORIS KHAIMOV, RPA-C, BOULEVARD SURGICAL  
CENTER, INC., EASY CARE ACUPUNCTURE, P.C.,  
ELSHAMMAA NABIL, M.D., ESSENTIAL RADIOLOGY,  
P.C., FLATBUSH MEDICAL CARE, P.C., FOSTER MEDICAL  
GROUP, P.C., FOSTER CHIROPRACTIC, P.C., G A  
PHYSICAL THERAPY, P.C., IAV MEDICAL SUPPLY, INC.,  
INFINITY CHIROPRACTIC HEALTH, P.C., JAMAICA  
MEDICAL SUPPLY, INC., NORTH STAR MEDICAL, P.L.L.C.,  
OMEGA DIAGNOSTIC IMAGING, P.C., PARKWAY SUPPLIES  
INC., POMONA MEDICAL DIAGNOSTICS, P.C., QUALITY  
DIAGNOSTIC IMAGING, P.C., QUALITY PSYCHOLOGICAL  
SERVICES, P.C., SHORE ACUPUNCTURE, P.C., SK PRIME  
MEDICAL SUPPLY, INC., STAR MEDICAL & DIAGNOSTIC,  
P.L.L.C., UNITED ORTHO SUPPLY, INC., UTICA AVENUE  
CHIROPRACTIC, P.C., WW MEDICAL CENTER, P.C.,  
and WILKINS B. WILLIAMS M.D.,

(“Provider Defendants”),

collectively, the Defendants.

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**Notice of Motion**..... 1-2  
**Notice of Cross-Motion**..... 3

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**Motion** by plaintiff for an order granting a default judgement against defendants “Yvens Debrose, Ydm a/k/a Ydm Construction, Junie Sanon, Boris Khaimov, RPA-C, Foster Medical Group, P.C. and Wilkins B. Williams, M.D.” is granted as unopposed.

Submit judgement on notice.

**Motion** by plaintiff for an order consolidating this action (2856/09) pursuant to CPLR §602 with

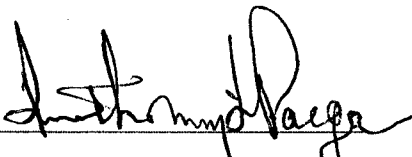
“In the Matter of the Application for an Order Staying Arbitration between METROPOLITAN PROPERTY & CASUALTY INSURANCE COMPANY, Petitioner v JIBAN SARKAR, Respondent, -and- NATIONAL CONTINENTAL INSURANCE COMPANY, YVENS DEBROSSE and STEVENSON FRANCOIS, Additional-Proposed Respondents.”  
INDEX NO: 34430/08

is granted as unopposed to the extent that the two cases shall be joined for trial.

All parties shall attend a Preliminary Conference, 100 Supreme Court Drive, Mineola, NY, on October 27, 2010.

**Cross-motion** by defendant Jiban Karkar for an order granting delcaratory relief “declaring that Metropolitan Property & Casualty Insurance Co. does have to afford coverage herein to SARKAR, as there are no triable issues of fact, if this matter is deemed a staged accident, such that there is no coverage in such situation as to the uninsured SARKAR, and that if the court declares this not to be a staged accident the NATIONAL would be the insurer” is granted as unopposed.

Dated: September 24, 2010.

  
Anthony L. Parga, J.S. C.

cc: Frank DiSpirito, Esq.  
1035 Stewart Avenue  
Second & Third Floor  
Garden City, NY 11530

**ENTERED**  
SEP 29 2010  
NASSAU COUNTY  
COUNTY CLERK'S OFFICE

Yvens Debrosse  
1656 East 19<sup>th</sup> Street  
Brooklyn, NY 11229

YDM a/ka YDM Construction  
1656 East 19<sup>th</sup> Street  
Brooklyn, NY 11229

Junie Sanon  
301 Sterling Street, Apt 5D  
Brooklyn, NY 11225

Boris Khaimov, RPA-C  
7320 183<sup>rd</sup> Street  
Fresh Meadows, NY 11365

Foster Medical Group, P.C.  
98-07 Foster Avenue  
Brooklyn, NY 11236

Wilkins B. Williams, M.D.  
1414 Utica Avenue  
Brooklyn, NY 11203