

SHORT FORM ORDER

SUPREME COURT – STATE OF NEW YORK

Present:

HON. MICHELE WOODARD

Justice

AIG NATIONAL INSURANCE COMPANY,

TRIAL/IAS PART 12

INDEX NO. 022124/09

Plaintiff(s),

**MOTION SEQUENCE
NO. 1**

-against-

DUANE ADAMS, ET AL.,

**MOTION SUBMISSION
DATE: JANUARY 04, 2010**

Defendants.

The following papers read on this motion:

Order to Show Cause

X

Plaintiff, AIG NATIONAL INSURANCE COMPANY, having moved this Court for an Order pursuant to **§2201 and §6301** of the **CPLR** staying all present and future matters pending the hearing and determination of the within declaratory judgment action involving the Defendants, DUANE ADAMS, ANTHONY DIAFERIA, ANNETTE MALCOLM A/K/A ANNETTE MALKOLM, NIGEL MALCOM A/K/A NIGEL MALKOLM, RICHARD CANNON, ANTHONY PRINCE, MOHAMMED MOTALEB, DAVID STATEN, JOSEPH CLAYTON, JUDELAE CHARLES, ROSHAND CORNEILLE, ROGERICK PETERS, VON DIGGS, JENNY SPARROW, JAMES BLACK, KEVIN KING, SANTA BARBARA LOUIS, ALIENA VARGAS, STANLEY JOSEPH, SPENCER VIXAMA, SHAMEEK BROWN, ERNESTO CRUZ, JR A/K/A ERNESTO CRUZ, DARNELL JULIEN, TRAVIS BROTHERS, MORY KABA, JAMEEL CALLENDAR, RICARDO RODRIGUEZ MENTOR, MARKENSY FRANCOIS, PIA PHILLIPS, JEROME FORD, DAVID SMITH, BRENDA SMITH, MASAI PILGRIM, MERRICK MEDGLEY, DESMOND CRAIG, EDDY DUVERCE, BRANDON HALL, ARNOLD WALLEY, SHARABIA ROGERS, ANDRE PHILIPS, KRISHAN ST. JOHN, KEVON CLEARY, TYESHA BROWN, KENDAL EDWARDS, TERRANCE DILLARD, DANIEL HYACHINTHE, SONATE F FILS, S ARCOS CEVALLOS S A/K/A S.A. ARCOS-CEVALLOS, JULIA RODRIGUEZ, MICHAEL ROBLEDO, AMIR BROWN, KERREL GARRAWAY, AMANDA CHARLES, JOVANI MCCOLLIN, JEAN ESTIME, MAX PIERRE, BRANDON DEVERGA, BLAISE JACINTHE, ARTUR MARKOV, CYANNE CROSS, ULRICKSON CAJUSTE, REGINAL ALEXANDRE A/K/A REGINALD ALEXANDRE, RICARDO DAVIS A/K/A RICARDO DAVID, JILANI BAKHARI, MELISSA CHARLES, SOLOMON BANKS, ABDUL GARRETT, SHERICE WATSON, ANTHONY EDWARDS, KAREEM MILLS, JEFFREY JEANPIERRE, MONIQUE WHITE, RINGO DEL CID, NICHOLAS JOHNSON, AUNDRE MARSHALL, JOHN CLYNE, ALBERT PASCALL, REGINAL ALEXANDRE, DERRICK ULETT, SHAMEL ALDRIDGE, DARREYL WILLIAMS, AMIR BROWN, CALVIN CHRISTOPHER, RANDOLPH BEST, TRACEY STEVES, MARISSA HOSTENS, ADRIANA GONZALEZ, FELIX

BURGOS A/K/A FELIX L. BURGOS A/K/A FELIX L. BAYONA BURGOS, LOVE ST. URBAIN, (**drivers/occupants/owners of other vehicles**); ANTHONY STROLL NORMAN A/K/A NORMAN STOLL, MARCEL PIERRE, EDWINA NEPTUNE, DAVID ADAMS, RHONDA ADAMS, (**"Individual Defendants"**), AS ACUPUNCTURE, P.C., AA ACUPUNCTURE SERVICE, P.C., ABSOLUTE APPROACH MEDICAL, P.C., ABSOLUTE CARE MEDICAL, P.C., ACUPATH LABORATORIES, INC., ACUPUNCTURE HEALTHCARE PLAZA I, P.C., AKO MEDICAL, P.C., ALEKS MODERN ACUPUNCTURE, P.C., ALEV MEDICAL SUPPLY, INC., ALIGN FOR HEALTH CHIROPRACTIC, P.C., ALPHA ACUPUNCTURE, P.C., AMBULATORY SURGERY CENTER OF E TREMONT, ANESTHESIA ASSOCIATES OF BAY RIDGE, LLP, ANWAR M ROMILLA, M.D., AP ORTHOPEDIC & REHABILITATION, P.C., A-QUALITY MEDICAL SUPPLY, CORP., ARGOS CHIROPRACTIC, P.C., ART OF HEALING MEDICINE, P.C., ART OF PHYSICAL THERAPY, P.C., ASNODIN DIANALAN, ATLANTIC SPORTS MEDICINE, P.C., AUGUST ACUPUNCTURE, P.C., AVE K MEDICAL, P.C., AVE P REHAB & MEDICAL PLAZA, P.C., BAYRIDGE ASSOCIATIONS SURGEONS, P.C., BEAL-MEDEA PRODUCTS, INC., BENJAMIN CORTIJO, JR., BLUMENTHAL CHIROPRACTIC, P.C., BOULEVARD SURGICAL CENTER, INC., BRIGHT MEDICAL SUPPLY, CORP., BROOKDALE HOSPITAL, BROWNSVILLE ADVANCED MEDICAL, P.C., BY MEDICAL, P.C., CANARSIE CHIROPRACTIC, P.C., CANON CHIROPRACTIC CARE, P.C., CENTRAL RADIOLOGY SERVICES, P.C., CITY CARE ACUPUNCTURE, P.C., CITY DENTAL SERVICES, P.C., CNC ACUPUNCTURE HEALTH CARE, P.C., COMPREHENSIVE ANESTHESIA ASSOCIATES, PLLC, CONEY ISLAND HOSPITAL, D.S. CHIROPRACTIC, P.C., D&H REHABILITATION MEDICAL, P.C., DANIEL P KLEIN, DL ACUPUNCTURE SERVICES, P.C., DORSI MEDICAL SUPPLY, INC., DOVPHIL ANESTHESIOLOGY GROUP, PLLC., EAGLE SURGICAL SUPPLY, INC., EAST TREMONT MEDICAL CENTER, EASTERN STAR ACUPUNCTURE, P.C., EAST-WEST TOP MEDICAL, P.C., EASY CARE ACUPUNCTURE, P.C., ESSENTIAL RADIOLOGY, P.C., EXCEL ASSIST MEDICAL, P.C., EXCEL IMAGING, P.C., FINE ARTS PHYSICAL THERAPY, P.C., FLATBUSH MEDICAL CARE, P.C., FLATLANDS MEDICAL, P.C., FLUSHING TRADITIONAL ACUPUNCTURE, P.C., FOCAL CARE PHYSICAL THERAPY, P.C., FOSTER HEALTH MEDICAL, P.C., GA PHYSICAL THERAPY, P.C., GLM MEDICAL, P.C., GOLDEN-CARE MEDICAL, P.C., GRAND MEDICAL SUPPLY, INC., GREEN FIELD ACUPUNCTURE, P.C., GZ MEDICAL AND DIAGNOSTIC, P.C., HASTAVA & ALEMAN ASSOCIATES, P.C., D/B/A ALEMAN & HASTAVA CHIROPRACTORS P.C., HEAD TO TOE, P.T. P.C., D/B/A HEAD TO TOE, HEAL SUPPLY, INC., HURGADA PHYSICAL THERAPIST, P.C., IAV MEDICAL SUPPLY, INC., IDEAL MEDICAL SUPPLY, INC., IMPROVED CARE CHIROPRACTIC, P.C., INFINITY CHIROPRACTIC HEALTH, P.C., INFINITY HEALTH PRODUCTS, LTD., INTERVENTIONAL PAIN SOULUTIONS, PLLC., JK CHIROPRACTIC, P.C., JR CHIROPRACTIC, P.C., KINGS HIGHWAY PSYCHOLOGICAL, KJC CHIROPRACTIC, P.C., LAINE CHIROPRACTIC, P.C., LI-ELLE SERVICE, INC. LITTLE NECK RADIOLOGY, P.C., LUTHERAN MEDICAL CENTER, MANHATTAN MEDICAL IMAGING, P.C., MARIA OCA, M.D. D/B/A MARIA ASSUNTA G. OCA, M.D., P.C., MAXIMUM RELIEF P.T., P.C., MIND & BODY ACUPUNCTURE, P.C., MK CHIROPRACTIC, P.C., MOBILE MEDICAL & DIAGNOSTIC, PLLC., MODERN CHIROPRACTIC, P.C., MSSA CORP., NATIONAL MEDICAL & SURGICAL SUPPLY, INC., NEW ERA MASSAGE THERAPY, P.C., NEW HP CHIROPRACTIC, P.C., NEW MILLENNIUM PSYCHOLOGICAL SERVICES, P.C., NEW PSYCHOLOGICAL SERVICES, P.C., NEW YORK RADIOLOGICAL ASSOCIATES, P.C., NORTHSTAR MEDICAL, P.C., NUMBER 1 ACUPUNCTURE OFFICE, P.C., O & M MEDICAL, P.C., OASIS PHYSICAL THERAPY, P.C., OLGA BARD ACUPUNCTURE, P.C., OMEGA DIAGNOSTIC MEDICAL, P.C., OMEGA MEDICAL DIAGNOSTIC, P.C. D/B/A SHORE MEDICAL DIAGNOSTIC, P.C., ORIENTAL HEALTH CARE ACUPUNCTURE, P.C. D/B/A ORIENTAL ACUPUNCTURE HEALTH CARE, P.C., ORTHO-MED SURGICAL SUPPLY, INC., PARKVIEW MEDICAL & SURGICAL, P.C., PHC SERVICES, LTD., PMR

MEDICAL & DIAGNOSTIC, P.C., POMONA MEDICAL DIAGNOSTICS, P.C., PRIMA MEDICAL SUPPLY, INC., PROSPERITY CHIROPRACTIC, P.C., PUSH P BHANSALI, M.D., QUALITY DIAGNOSTIC IMAGING, P.C., QUALITY HEALTH PRODUCTS, INC., QUALITY PSYCHOLOGICAL SERVICES, P.C., RADIOLOGY TODAY, P.C., REFRESHING ACUPUNCTURE, PLLC., RELIABLE PHYSICAL THERAPY, P.C., RICHARD A MORGAN, DO, RICHARD SELDES, RJA PHYSICAL THERAPY, P.C., SHARP RADIOLOGY, P.C., SHEIL MEDICAL LABORATORY, SHORE ACUPUNCTURE, P.C., SINHA ANJANI, SKY CHIROPRACTIC, P.C., SONDUS PHYSICAL THERAPY, P.C., SOS MEDICAL SUPPLY, INC., ST. CYRIL PT, P.C., ST. CLAIR MEDICAL, P.C., STAR MEDICAL & DIAGNOSTIC, SUNRISE ACUPUNCTURE P.C., SYNERGY FIRST MEDICAL, TRIANGLE R, INC., UNIQUE CHIROPRACTOR, UNIQUE MEDICAL & DIAGNOSTIC, P.C., UNITED ORTHO SUPPLY, INC., UPTOWN CHIROPRACTIC, P.C., UPTOWN HEALTH CARE, UTICA CHIROPRACTIC HEALTH, P.C., UTICA MEDICAL CARE, P.C., VALLEY PSYCHOLOGICAL, P.C., VERRAZANO ACUPUNCTURE, P.C., VICTORY MEMORIAL HOSPITAL, VISTA DIAGNOSTIC IMAGING, P.C., WISDOM OF HEALING, INC., Y & W ACUPUNCTURE, PLLC., YKLIK, INC., and ZION ACUPUNCTURE, P.C. ("**Provider Defendants**"),

NOW upon the reading and filing of the within Order to Show Cause, the Affirmation of Kevin A. Mattei, Esq., dated November 23, 2009, the Affidavit of Maria Mazarese and the exhibits annexed thereto, and there being no opposition thereto, and this Motion having been duly submitted on January 04, 2010, it is hereby

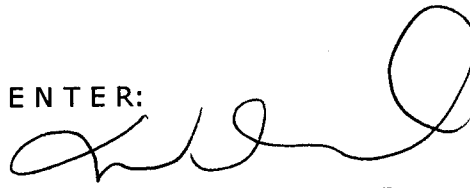
ORDERED that all presently pending lawsuits and arbitrations instituted by and/or on behalf of the Defendants against Plaintiffs involving reimbursement for health care services purportedly rendered to said Defendants' assignors pursuant to New York State Comprehensive Motor Vehicle Insurance Reparations Act (Insurance Law Sec. 5101 et seq.) (the "No-Fault law"), concerning Plaintiffs' policies issued to defendants ANNETTE MALCOLM aka ANNETTE MALKOLM (#5841740); MOHAMMED MOTAEB (#5863325); JUDELAIE CHARLES (#0264660); VON DIGGS (#0332168) (LOSS #1 04/02/08); VON DIGGS (#0332168) (LOSS #2 07/14/08); STANLEY JOSEPH (#0397143); ERNESTO CRUZ, JR A/K/A ERNESTO CRUZ (#0202684); MORY KABA (#0358054); MARKENSY FRANCOIS (#0363723); DAVID SMITH (#0252320); MERRICK MEDGLEY A/K/A MERRICK MIDGLEY (#0373222) (LOSS #1 04/13/08); BRANDON HALL (#0537799); ANDRE PHILIPS (#0372951) (LOSS #1 05/11/08); ANDRE PHILIPS (#0372951) (LOSS #2 06/04/08); KENDAL EDWARDS (#0473966); S ARCOS CEVALLOS S A/K/A S.A. ARCOS-CEVALLOS (#0474499); AMIR BROWN (#0515120); JEAN ESTIME (#0441288) (LOSS #1 05/08/08); JEAN ESTIME (#0441288) (LOSS #2 06/06/08); REGINAL ALEXANDRE A/K/A REGINALD ALEXANDRE (#0441288) (LOSS #1 03/06/08); REGINAL ALEXANDRE A/K/A REGINALD ALEXANDRE (#0441288) (LOSS #2 06/17/08); SOLOMON BANKS (#0524995); ANTHONY EDWARDS (#5852397); MONIQUE WHITE (#5829443); AUNDRE MARSHALL (#5839569); DARREYL WILLIAMS (#0340355); TRACEY STEVES (#0406303); FELIX BURGOS A/K/A FELIX L. BURGOS A/K/A FELIX L. BAYONA BURGOS (#0425775); MERRICK MEDGLEY A/K/A MERRICK MIDGLEY (#0373222) (LOSS #2 04/28/08) and arising from the alleged accidents that occurred on 01/29/08, 01/29/08, 02/05/08, 02/06/08, 02/17/08, 03/02/08, 03/06/08, 03/09/08, 03/09/08, 03/27/08, 04/02/08, 04/05/08, 04/13/08, 04/13/08, 04/26/08, 04/27/08, 04/28/08, 05/08/08, 05/08/08, 05/11/08, 05/11/08, 05/18/08, 05/18/08, 05/30/08, 06/02/08, 06/04/08, 06/06/08, 06/17/08 and 07/14/08 are hereby stayed pending the hearing and determination of this within declaratory judgment action; and it is hereby further

ORDERED that all other current and future proceedings, including but not limited to, uninsured/supplementary uninsured motorist lawsuits and arbitrations, arbitrations and lawsuits seeking to recover no-fault benefits and third-party personal injury lawsuits and arbitrations, involving any and all of the defendants, arising from the above-named loss dates and under the above-referenced insurance policies, are hereby stayed pending the hearing and determination of this within declaratory judgment action; and it is hereby further

ORDERED that any action, arbitration or proceeding filed or served after the entry date of this Order, involving any and all of the defendants, arising from the above-named loss dates and under the above-referenced insurance policies, shall be immediately stayed upon such filing or service, other than (a) permitting joinder of issue in the case of a lawsuit, the service of contentions in the case of an arbitration, or service of opposition to a petition to stay arbitration in the case of UIM benefits and (b) permitting the voluntary settlement on any no-fault claim.

Dated: March 30, 2010
Mineola, NY

ENTER:



HON. MICHELE WOODARD

ENTERED

APR 06 2010

**NASSAU COUNTY
COUNTY CLERK'S OFFICE**