

SHORT FORM ORDER

SUPREME COURT - STATE OF NEW YORK

Present:

HON. ROY S. MAHON

Justice

GOVERNMENT EMPLOYEES INSURANCE
COMPANY, GEICO GENERAL INSURANCE
COMPANY, GEICO INDEMNITY COMPANY and
GEICO CASUALTY COMPANY,

Plaintiff(s),

- against -

TRIAL/IAS PART 3

INDEX NO. 607957/16

MOTION SEQUENCE
NO. 2

MOTION SUBMISSION
DATE: May 19, 2017

FRITZ GONODRE, MD, SURENDER
GORUKANTI, MD. AHMED ADEL, EL.
SOURY, MD and BAY MEDICAL DIAGNOSTICS, PC,
RICHMOND MEDICAL DIAGNOSTICS, PC,
VICTORY MEDICAL DIAGNOSTICS, PC and
MIKHAIL KREMERMANN, YURIY ZAYONTS,
VLADISLAV ZARETSKIY and JOHN DOES 1-5,

Defendant(s).

The following papers read on this motion:

Notice of Motion	X
Affirmation in Opposition	X

Upon the foregoing papers the motion by the defendants, Surender Gorukanti, MD and Richmond Medical Diagnostics, PC, for an Order pursuant to CPLR §3103(a) quashing the subpoena duces tecum directed at TD Bank, N.A. for account information related to Richmond Medical Diagnostics dated February 27, 2017, is determined as hereinafter provided:

The instant action arises out of an alleged fraudulent treatment/billing scheme entered into by the moving defendants.

Upon review of the respective submission and in particular the Verified Complaint, the February 27, 2017 subpoena duces tecum (see defendants' Exhibit C) is material and necessary to the facts in issue (see **Kapon v Koch**, 23 NY3d 32, 988 NYS2d 559). As such, the defendants' application for an Order pursuant

to CPLR §3103(a) quashing the subpoena duces tecum directed at TD Bank, N.A. for account information related to Richmond Medical Diagnostics dated February 27, 2017, is **denied**.

SO ORDERED.

DATED:

6/29/2017

Ray J. Weber

J.S.C.

ENTERED

JUL 06 2017

NASSAU COUNTY
COUNTY CLERK'S OFFICE