

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

-----X
ROSEANN CORBETT,

Index No.: 513545/2022

Plaintiff,
- against -

**DEMAND FOR
DISCLOSURE OF
MEDICARE BENEFITS
ELIGIBILITY**

LINDENWOOD GARDENS COOPERATIVE, INC.,
AND ESQUIRE MANAGEMENT CORP.,

Defendants,

-----X
LINDENWOOD GARDENS COOPERATIVE, INC.,
AND ESQUIRE MANAGEMENT CORP.,

Third-Party Plaintiff,
- against -

DARP TOW INC.,

Third-Party Defendant.

-----X

PLEASE TAKE NOTICE, that pursuant to Article 31 of the CPLR and 42 USC §1395y(a)(8)(A), the undersigned attorneys for the answering Third-Party Defendant, DARP TOW INC., hereby demands that Plaintiff produce, within thirty (30) days of service of this demand, the following:

1. A statement as to whether the plaintiff has received benefits from either Medicare or Medicaid at any time, for any reason, not limited to the injuries alleged in the instant action. If so, please state and/or provide for plaintiff;

- a. Plaintiff's full name,
- b. Plaintiff's gender.
- c. Plaintiff's date of birth;
- d. Plaintiff's social security number;
- e. Plaintiff's present telephone number;

- f. The Health Insurance Claim Number and/or Medicare/Medicaid file number;
 - g. The address of the office handling plaintiff's Medicare/Medicaid file;
 - h. A duly executed authorization bearing plaintiff's date of birth and social security number pertaining to this file and/or the representative of the defendant to obtain copies of plaintiff's Medicare/Medicaid records.
2. State whether Medicare and/or Medicaid has a lien and the amount of any such lien.
 3. Provide copies of all documents, records, memoranda, notes, etc., in plaintiff's possession pertaining to plaintiff's receipts of Medicare and/or Medicaid benefits, including copies of all documents provided to or received from the Medicare and/or Medicaid administrator.
 4. If any Medicare and/or Medicaid Secondary Payee (MSP) claims exist, please provide a copy of the claim summary from Medicare and/or Medicaid regarding those claims.
 5. If plaintiff has not received Medicare and/or Medicaid benefits in the past or is not receiving Medicare and/or Medicaid benefits now, state whether plaintiff is eligible to receive Medicare and/or Medicaid benefits.
 6. Provide duly executed authorizations permitting defendant to obtain copies of plaintiff's Medicare and/or Medicaid records.

PLEASE TAKE FURTHER NOTICE, that pursuant to the CPLR, this is a continuing demand and you are required to serve the demanded information by the earliest of the following:

- a. Within thirty (30) days of the date of this demand;
- b. Within twenty (20) days of receiving the above requested information;
- c. No later than thirty (30) days prior to the commencement of trial.

If you do not possess the above-requested information, in addition to the form attached, a letter or affidavit to that effect should also be submitted.

PLEASE TAKE FURTHER NOTICE, that your failure to provide the items demanded above within thirty (30) days will preclude the plaintiff from proving liability, causation and damages at trial.

Dated: Elmsford, New York
July 21, 2023

BLACK MARJIEH & SANFORD LLP
Attorneys for Third-Party Defendant
Darp tow Inc

By: 
Nicole P. Aldridge-Henry, Esq.
100 Clearbrook Road, Suite 345
Elmsford, New York 10523
Tel. No. (914) 704-4400
nahenry@bmslegal.com
mail@bmslegal.com

TO:

Keith D. Silverstein, Esq.
Keith D. Silverstein & Associates, P.C.
Attorneys for Plaintiff
Roseann Corbett
40 Fulton Street, 7th Floor
New York, New York 10038
(212) 385-1444
ksilverstein@kdslawfirm.com

Robert F. Gebhard, Esq.
Jordan Masiakos
MASIAKOS, MERCURIO & ASSOCIATES, PC
Attorneys for Defendants/ Third-Party Plaintiffs
Lindenwood Gardens Cooperative Inc. &
Esquire Management Corp.
401 Franklin Avenue, Suite 318
Garden City, New York 11530
(516) 248-2326
Jmasiakos@mmdlawgroup.com