

American Arbitration Association
New York No-Fault Arbitration Tribunal

In the Matter of the Arbitration between:

Ace Med Supplies Inc. , Viotek Med Supplies Inc (Applicant)	AAA Case No.	17-24-1379-7087
	Applicant's File No.	3401659
	Insurer's Claim File No.	AB94954079202
- and -	NAIC No.	23035

Liberty Mutual Fire Insurance Company
(Respondent)

ARBITRATION AWARD

I, Paul Weidenbaum, the undersigned arbitrator, designated by the American Arbitration Association pursuant to the Rules for New York State No-Fault Arbitration, adopted pursuant to regulations promulgated by the Superintendent of Insurance, having been duly sworn, and having heard the proofs and allegations of the parties make the following **AWARD**:

Injured Person(s) hereinafter referred to as: IP

1. Hearing(s) held on 07/01/2025
Declared closed by the arbitrator on 07/01/2025

Jessica Buscarino from Israel Purdy, LLP participated virtually for the Applicant

Elvira Messina from Callinan & Smith LLP participated virtually for the Respondent

2. The amount claimed in the Arbitration Request, **\$970.03**, was NOT AMENDED at the oral hearing.
Stipulations WERE NOT made by the parties regarding the issues to be determined.
3. Summary of Issues in Dispute

This arbitration arises out of the dispensation of durable medical equipment to the injured person, a 35 year old male, who was involved in a motor vehicle accident which occurred on 12/12/23.

Whether the Respondent's material misrepresentation/staged collision defense can be sustained based on the evidence presented?

4. Findings, Conclusions, and Basis Therefor

This arbitration arises out of the dispensation of durable medical equipment to the injured person, a 35 year old male, who was involved in a motor vehicle accident which occurred on 12/12/23. Applicant seeks reimbursement in the sum of \$970.03. Respondent timely denied reimbursement based on a defense of material misrepresentation and staged collision. The Respondent conducted the Examination Under Oath [EUO] of the injured person on 8/20/24. Below is a transcript of the claimant's EUO testimony generated at that time:

Q Where do you reside?

A 123-65 147th Street, Apartment A-111, Jamaica, New York 11436.

MS. STRONG: Can you mark these as Exhibits 1 through 4, please? [Whereupon, the documents were hereby marked as Exhibits 1 through 4 for identification, as of this date, by the reporter.]

Q Good afternoon. My name is Jennifer Strong. I am an attorney representing Liberty Mutual. I will ask you some questions today about claim that has been filed.

Have you ever had an Examination Under Oath or a deposition taken before?

A No.

Q So this is a question and answer session. The stenographer has sworn you in, and the oath that you took has the same force and effect as if it was taken in court. You must verbalize all of your answers. If you nod your head, shrug your shoulders, point or otherwise indicate, the court reporter is then unable to record your response. If you do not understand one of my questions, let me know, and I will repeat or rephrase. If you answer my question, I will assume that you both heard it and understood it. You must answer each of my questions to the best of your ability. I will assume that any answers that you give today are given to the best of your ability. If you don't know the answer to a question, just say you don't know. Please remember only one person can speak at a time. If we speak over each other, the court reporter is unable to record what is being said. If you need a break, I ask that you respond to any question that is pending or outstanding on the record at that time, and then we can take a break.

Do you understand all of that?

A Yes. 10

Q Have you ingested any alcohol within the past twenty-four hours?

A No.

Q Have you taken any medication that may affect your memory or your ability to answer my questions?

A No.

Q Do you suffer from any disability, mental or physical, that can affect your ability to answer questions truthfully?

A No.

Q Is there anything at all preventing you from answering my questions truthfully today?

A No.

Q What is your date of birth?

A 09/24/1988.

Q Where were you born?

A Jamaica, Queens, New York.

Q What is your height and weight?

A One-sixty, five-eleven.

Q Are you right- or left-handed?

A Right-handed.

Q How long have you lived at 123-65 147th Street, Apartment A-111, Jamaica, New York 11436?

A Thirty-five years.

Q Do you live with anyone?

A Mother.

Q What is her name?

A Linda.

Q That's Linda?

A Yes, Linda McGee (phonetic).

Q Do you live with anyone else?

A And a sister. That's it.

Q What is your sister's name?

A Tameya, T-A-M-E-Y-A.

Q And her last name?

A Williams.

Q How old is she?

A She is twenty-eight.

Q Does anyone else live there?

A No.

Q Did anyone else live there at the time of the incident?

A No.

Q What is your Social Security number?

A 125-76-3015.

Q What is your marital status? 1

A Single.

Q Have you ever been married?

A No.

Q Any children?

A Two.

Q How old are they?

A They are seven, seven and eleven.

Q Do they live with you?

A No.

Q Who do they live with?

A The mother.

Q Do they have the same mother?

A Yes.

Q What is her name?

A Stephanie.

Q Last name?

A Villanueva.

Q Where does she live?

A Florida, Kissimmee.

Q Do you have any other children?

A

Q What is the highest level of education that you've completed?

A I got my GED.

Q When did you do that?

A That's 2008.

Q Do you have any further training, school, licenses, certifications or vocational programs?

A No.

Q Are you employed?

A Right now I am unemployed.

Q When were you last employed?

A Ten months ago.

Q What was the date that you last worked?

A Probably December. It's December 6th.

Q December 6th?

A Yes.

Q Why did you leave that job?

A Because of this accident.

Q Where did you work?

A Floors. I do flooring.

Q Where did you work?

A Flooring.

Q Did you work for a specific company?

A Yes.

Q What is the name of the company?

A Four Corners.

Q Where is that located?

A It's in Queens, St. Albans.

Q What is the address?

A 117 -- I don't know the exact 117-45.

Q What street?

A (No verbal response.)

Q Sorry?

A St. Albans.

Q Do you know what street it is?

A 45th Street, 117 45th Street.

Q How long did you work there for?

A For four years.

Q How much did you earn at that job?

A \$200 a day, so \$1,000 a week.

Q What did you do specifically at that job?

A I lay floors, sand and poly and lay floors.

Q Did you say sand and poly as in polyurethane?

A Yes, polyurethane.

Q Did you primarily lay wood floors or something else?

A Wood floors, wooden.

Q Did you have any other jobs or employment at the time the incident occurred?

A No.

Q Have you had any other jobs or employment since the incident?

A No.

Q Are you currently collecting disability?

A No.

Q Do you qualify for disability?

A No, not that I know of, no.

Q Why did you stop working six days prior to the incident?

A Six days prior to the incident I didn't work. I was there six months.

Q Sorry?

A You said six days prior to the incident?

Q Yes. You said you last worked around December 6th. The incident occurred on December 12th. Why didn't you work?

A That was last year. That was -

Q Sorry. I am not understanding what you're saying.

A You said six months. You said six days.

Q Yes.

A Before the incident.

Q No, no. You told me you last worked on December 6th; is that correct?

A Yes.

Q What did you do between December 7th and December 12th?

A What you -- no. What are you -

Q What date did the incident occur?

A December 12th it happened.

Q Did you work at any time between December 6th and December 12th?

A No, I didn't work.

Q Why were you not working during that period?

A Listen, listen. December 2022 I ain't work. You said 2023. No, it's December of 2022.

Q You stopped working in December of 2022?

A Yes, 2022, yes, December 6th of 2022 I ain't work.

Q I recall earlier you said you stopped working because of this incident?

A That is what I said.

Q This incident occurred in 2023. Why were you not working?

A 2023 I was not working.

Q Why weren't you?

A I was not working.

Q Why didn't you work in 2023?

A I ain't got a job.

Q So it was not because of this incident?

A No, I was not working. I ain't got a job because of this incident. That is why I have not been working.

Q Why did you leave your last job?

A There was no work.

Q Are you in any kind of union?

A No.

Q Have you ever made a Workers' Compensation claim?

A No.

Q Have you ever collected disability?

A No.

Q Have you ever worked for ride share or food delivery company, such as Uber, Lyft or anything like that?

A No.

Q Have you filed income taxes within the last three years?

A No.

Q Do have you any forms of identification on you?

A Yes.

Q Can you hold that up to the camera, please?

A (Indicating.)

Q I need you to move it closer, please.

A (Indicating.)

MS. STRONG: Let the record reflect the witness is presenting what appears to be a New York State driver's license bearing identification number 18 486 443 515, which was issued on 3/3/23 and expires 9/24/27.

Q Is that your signature below your picture?

A Yes.

Q Is that how you typically sign your name?

A Yes.

Q Do you own any cars or other types of motor vehicles?

A No.

Q Have you ever been convicted of a crime?

A Yes.

Q What have you been convicted of?

A Marijuana.

Q Possession?

A Yes.

Q When was that?

A This was in 2007.

Q Anything else?

A No.

Q Was that in New York or somewhere else?

A New York.

Q Do you recall the date that the incident occurred?

A Yes.

Q When was it?

A The 12th of December.

Q Of 2023, correct?

A Yes.

Q What day of the week was that?

A I am not sure exactly.

Q Was it a weekend or a weekday?

A I am not sure.

Q Where did the incident occur?

A On Alden Street.

Q Did it occur at or near an intersection?

A Yes.

Q What was the intersecting street?

A Alden Street.

Q Alden Street and what?

A I know it was Alden Street. I don't know exactly.

Q Do you know what street Alden Street crossed?

A No, not exactly.

Q Any traffic signals at that intersection, such as a traffic light, stop sign, yield sign?

A There is a stop sign.

Q Was it a four-way stop sign or just a one-way?

A One-way stop sign.

Q Was that on Alden?

A Yes.

Q Alden was the street that you were traveling on, correct?

A Yes.

Q That's a one-way street or a two-way street?

A It was an -- I think it's a one-way.

Q How many lanes did it have?

A What?

Q How many lanes did that street have?

A It was only one street, one lane.

Q So one lane in one direction?

A Yes.

Q What about the cross street; how many lanes did that have?

A That was a highway.

Q What type of highway?

A It crosses an intersection, like an intersecting highway, yes.

Q When you say highway, do you mean, like, the BQE or something like that or something else?

A Yes, it was like -- yes, the like, you can say, like, a BQE.

Q Did it have traffic in one 8 direction or two?

A One

.Q How many lanes were there in that direction?

A About two lanes; two, three lanes.

Q Where is Alden Street and this highway?

A It's in Long Island.

Q Where on Long Island?

A I am not sure. I just know it's in Long Island by Walmart on the other side.

Q Which Walmart?

A By Valley Stream.

Q Is the area where the incident occurred commercial, industrial, residential or something else?

A I really don't know.

Q Were there houses, factories?

A It was houses over there. It was around houses, around

Q Were there any cars parked onthe side of Alden Street?

A No.

Q How was the weather that day?

A It was cool.

Q Was there any snow or rain?

A No.

Q Was there any snow or ice on the ground?

A No.

Q Was it light out or dark out when the incident occurred?

A It was dark.

Q What time of day did the incident occur?

A Probably, like, 10:00-something at night.

Q Who was driving the vehicle that you were in?

A The Uber. I was in an Uber.

Q Do you know the Uber driver's name?

A No.

Q Was there anyone else in the vehicle with you? 6

A Yes.

Q Who?

A Shelby.

Q Shelby?

A Shelby, yes.

Q S-H-E-L-B-Y?

A Yes.

Q What is Shelby's last name?

A I don't know his last name.

Q Where were you seated in the vehicle?

A I was the passenger behind the passenger seat, right-hand side.

Q Were you wearing your seat belt?

A No.

Q Where was Shelby seated?

A In the driver's side behind the backseat.

Q Who arranged the Uber?

A He did himself.

Q When did he do that?

A I don't know exactly; thirty minutes, thirty.

Q Thirty minutes prior to the time that you got in the vehicle?

A Yes.

Q Were you with him when he arranged the ride?

A Yes.

Q Where were you at that point?

A I was with him.

Q Where were the two of you?

A We was outside his aunt's house, wherever his auntie's house is. I don't know.

Q How do you know Shelby?

A I know him for years. He is a friend of mine.

Q Where did you meet him?

A In school.

Q What school?

A This is public school though.

Q Which school?

A P.S. 223.

Q Where is that located?

A In Queens.

Q Approximately how long have you known him?

A My whole life.

Q You don't know his last name?

A No.

Q Where does he live now?

A I don't know exactly. He is moving around. I don't know exactly.

Q How old is Shelby?

A He is in his thirties.

Q Is he the same age as you?

A No.

Q Is he older than you or younger than you?

A He is older than me.

Q Sorry?

A Nothing.

Q How frequently do you go out with Shelby?

A I have not been going out with him lately because something happened to his wife.

Q What happened to his wife?

A His wife died.

Q When did that happen?

A A couple of months back.

Q Do you know the circumstances of how she died?

A I don't know exactly. I think it's cancer. I don't know exactly. She was in a wheelchair or something. I don't know. I stay out of his business.

Q Prior to the incident, how often did you go out with him?

A We went out here and there, not all the time.

Q Sorry?

A Nothing.

Q Did you go out with him monthly, weekly; can you approximate how often you went out with him?

A I said here and there. I don't know. Monthly, weekly, here and there, every other day.

Q Every other day?

A Every other day, here and there I am not hanging out.

Q I will ask that you try to speak a little more clearly. I am having trouble understanding you.

A Okay.

Q Thank you. And when you went out with him prior to the incident, did you usually take Ubers; how did you get around? 1

A We usually take cabs, but we took an Uber.

Q How frequently would you say you were in a vehicle with Shelby prior to the incident?

A Every other time. I mean, every other time I see him, we go somewhere here and there in a vehicle.

Q When he set up the Uber that night, how did he do that?

A He did it through his phone.

Q What is his aunt's name?

A I don't know his last name.

Q His aunt's name, do you know his aunt's name?

A (No verbal response.)

Q You said you were at his aunt's house that day, correct?

A Yes. I don't know exactly which aunt was it. We went to the house.

Q Had you ever been there before?

A Yes. Twice, three times.

Q Where does the aunt live?

A I don't know exactly. It's, like, thirty minutes. I don't know exactly.

Q Who lives at the house with the aunt, if anyone?

A I don't know.

Q Did you go in the house?

A (No verbal response.)

Q Sorry?

A No, I didn't go in the house, no.

Q How did you get to the aunt's house that day?

A Took a cab.

Q What type of cab?

A A regular cab.

Q A yellow cab?

A A regular -- not a yellow cab, a regular cab that you call.

Q Was it an Uber or a Lyft?

A No.

Q What time did you get there that day to the aunt's house?

A Probably, like, 9:00-something. Probably, like, 9:00-something.

Q Did you go there yourself or with someone?

A It was me and him, me and him.

Q Where were you coming from prior to that?

A Where were we coming from? Came from Queens.

Q Where were you in Queens?

A In Jamaica.

Q Does Shelby live in Jamaica?

A Not that I know of.

Q Where does Shelby live?

A I said not that I know of. I don't know where he lives at now. He moved.

Q What time did you meet up with Shelby that day?

A I was with him the whole day until 9:00 at night. We went to -- I was 4 there the whole day.

Q What time that day did you meet 6 up with him?

A Early in the day.

Q Where did you meet up with him?

A In Queens.

Q Where?

A In Jamaica, Queens.

Q What did you do that day?

A We spoke to each other. We chilled together. That is what I said.

Q Did you go anywhere that day, any stores, any -

A No.

Q Where did you hang out with him that day?

A He got a shelter. Probably coming from the shelter.

Q He was coming from the shelter?

A Yes. We -- that is where we chill at. We go around and see people. I have to tell you my whole detail, but -

Q I want to make sure I understood you correctly. You went to the shelter with him?

A Yes.

Q Where is the shelter located?

A In Jamaica, Queens.

Q What is the name of that shelter?

A I don't know exactly what the name of it is, but I know it's the shelter, but I don't know the name.

Q Does he live in the shelter?

A Yes.

Q You just told me you don't know where he lives.

A That is where he was. What are you talking about? I just told you I don't know exactly where he lives. I know before that -- I don't know where he stays at. Something happened to his wife. You asked me all of these questions. I don't know. I don't know.

Q Did his wife live in the shelter with him at that time?

A I don't know.

Q Did you see his wife that day?

A Yes.

Q Was she at the shelter too?

A Yes, she be around there.

Q What time did you leave the shelter?

A All of these times -- I don't know exactly what time we leave the shelter.

Q Where were you when you decided to go to Shelby's aunt's house?

A Where he was? By the shelter.

Q Where is the shelter located in Jamaica?

A It's in Rockaway.

Q Do you know the address?

A No, not that I know of.

Q How far is Rockaway from Jamaica?

A Not even ten minutes, not even ten minutes away.

Q When you left the shelter, did you go right to the aunt's house?

A Yes.

Q Who decided to go to the aunt's house?

A (No verbal response.)

Q Sorry?

A I said Shelby.

Q Why did -

A He was supposed to go to Target to go pick something up. That is when the car accident happened.

Q You left from Shelby's aunt's house to go to Target or just the shelter to go to Target?

A No, from the aunt's house.

Q Why did you -

A We went from the shelter to his aunt's house to pick up something from her, and then we went to the -

Q What did you pick up?

A It will be Christmas. He picked up some money. He picked up some money to go pick out a couple of things from Target for his aunt.

Q How long were you at the aunt's house for?

A Not even an hour.

Q You stayed outside the whole time?

A Yes.

Q Did you meet the aunt?

A No, they was inside.

Q Was there anyone else at the aunt's house?

A Not that I know of.

Q Which Target were you going to?

A The one in Valley Stream.

Q What were you going to purchase there?

A Some gifts. He was going to 1 purchase some gifts for the kids.

Q Does he have kids?

A Yes. I don't know. Like, really, like, yes, he got kids, but don't get me lying how many. If you will ask me how many kids he got, I don't know. I don't know. Let him answer his own questions.

Q Have you ever -

A Oh, man.

Q Have you ever met his kids?

A No.

Q Have you ever met his wife?

A I seen his wife twice. Oh, man.

Q When did you make plans to see Shelby that day?

A When did I make plans?

Q When did you make the plans to see him that day?

A I ain't really make plans. When I come outside, we see each other. We didn't make plans.

Q Are you familiar with anyone named Brandon Smith?

A Brandon Smith?

Q Yes.

A No.

Q Do you know anyone named Roydel Richards?

A No.

Q Do you know anyone named Otima Williams?

A No.

Q Do you know if Otima Williams is related to Tameya Williams?

A No.

Q What is Tameya's father's name; do you know?

A Dennis Williams.

Q Do you know where he lives?

A He is Upstate for a lot of the time. That is where he lives at.

Q Are you familiar with the address of 220 East 34th Street in Brooklyn?

A No.

Q Do you know anyone named Calvin Lewis?

A No. All of these names -

Q When did you first see Shelby on the day of the incident?

A I see him earlier throughout the day. I seen him every day early in the day.

Q When did you decide to go to his aunt's house?

A Later on that day. Later on that night.

Q Did anyone -

A (No verbal response.)

Q Sorry?

A No, nothing.

Q Did anyone decide to go to his aunt's house with you?

A No, it was only him.

Q What type of vehicle were you in that day at the time of the incident?

A It was an Uber.

Q I know, but what type of vehicle was it?

A I don't know. I don't know exactly.

A Camry or something. I don't know exactly. I don't know.

Q How many doors did the vehicle have?

A Four. 17

Q What color was it?

A I think it was silver or something. Don't get me lying. It has been a while since that. I don't know.

Q Who decided to go to Target?

A Who decided?

Q Who decided?

A I told you. Shelby went to pick⁵ the money up from his aunt to go to -- he decided -- he decided to go.

Q When did you decide to go with him to Target?

A It was later on that day.

Q When you went with Shelby to his aunt's house, did you know you would be going to Target?

A Yes.

Q What time did you leave Far Rockaway?

A What time I leave Rockaway?

Q Yes.

A To get over there?

Q Yes.

A Around 9:00-something we left.

Q What time did you get to the aunt's house?

A When I got over there, that is the time we left. 9:00-something we got over there.

Q You got to the aunt's house at 9:00-something?

A Yes.

Q How long did it take you to get there?

A Not even twenty minutes, not even.

Q Did you make any stops along the way?

A No.

Q What does the aunt's house look like?

A It's brownstone, like, a brownstone.

Q How many floors?

A I really don't know how many floors. It's a two-family house, some type of -

Q What color was it?

A Brown.

Q Where were you when Shelby arranged the Uber?

A I was in front, the front of the house.

Q Do you know what street the house is on?

A Not that I know of.

Q Who paid for the cab to get to the aunt's house?

A He paid for it. He told -- he paid for the Uber and he paid for everything.

Q Were you going to give him money for the Uber?

A Yes.

Q How long did have you to wait for the Uber once Shelby arranged for it?

A Probably fifteen minutes. I want to say fifteen minutes.

Q Did anyone approach you while you were waiting outside the house?

A No.

Q Once you were in the Uber, did you make any stops?

A No.

Q What was going on in the vehicle just prior to the incident?

A Nothing.

Q Did you speak to the driver at all?

A Yes, I said how are you doing, whatever.

Q Anything else?

A No.

Q Were you using your phone at all when you were in the Uber?

A No.

Q Was Shelby on his phone?

A I don't know.

Q Were you sharing your location with anyone while you were in the Uber?

A No.

Q Can you describe for me how the incident occurred?

A Yes.

Q How did it occur?

A Going to the stop sign, there is an intersection in front, a car came around our car and hit the Uber. The whole side mirror, off, side front fender, off, the driver's side -- and made the right and went straight on the highway. Do you understand? He sideswiped the whole car, totaled the car and made a right from the driver's side. Made a right and went on the highway, and then we don't see the car no more. I don't know where -- it's crazy man.

Q What did the car look like?

A I don't know. It was a small car. I don't know what kind of car was it.

Q What color was the vehicle that hit the Uber?

A It looked like it was silver, like a silver car. I don't know exactly but it looked silver.

Q Did it have two doors or four doors?

A I am not sure.

Q Had you ever seen this vehicle before?

A No.

Q Did you see who was driving the vehicle?

A No.

Q Was the Uber moving or stopped at the time the incident occurred?

A It was stopped at the stop sign. The Uber stopped at the stop sign.

Q What was the approximate speed of the other vehicle at the time of the impact?

A He must have been going forty. He had to have been going fast because it was in the blink of an eye. You don't even see the car -- just hit the car and -- he must have been going fast, forty miles an hour, probably more than that.

Q Did you see that vehicle prior to the impact?

A No.

Q Did you see where it came from?

A It came from behind. I was not -- it came from the left-hand side, the driver's side. It scraped that whole door to the front and made a right.

Q I am asking if you saw where it came from before it was next to your car.

A No, no, no. I don't know.

Q Did you notice any vehicles behind you when you were in the Uber?

A No.

Q Did you notice any vehicles following you when you were in the Uber?

A No.

Q Did you see that car when you were waiting outside the aunt's house for thirty minutes?

A No.

Q How would you describe the severity of the impact?

A Heavy.

Q Did your body move as a result of the impact?

A Yes.

Q How did your body move?

A My shoulder jerked, my knee hit the car door.

Q Which knee?

A My right knee.

Q Other than your knee, did any other part of your body hit anything inside of the vehicle?

A My shoulder. My shoulder, my right shoulder.

Q What did your right shoulder hit?

A The side of the window. The window and the door because it shook the whole car and made a rattle.

Q Did anything inside of the vehicle hit your body, like, loose objects, cell phone, anything like that?

A I noticed the back of my seat, the knee -- just my knee hit the door. The back of the seat, like that.

Q Sorry?

A I said nothing else.

Q Did your knee hit the door or the back of the seat?

A It was -- like, it hit the back of the door, like, between the seat. My legs was open. You know, I hit the back of the door, between the seat and the door, in between.

Q Sorry?

A It hit both. It hit both.

Q Did the airbags deploy in the vehicle?

A No, just -

Q What?

A I was going to say just the car is totaled, the bumper was off, front bumper is off, side mirrors is off. I am telling you how the car was.

Q How do you know the car was totaled?

A It would not move. He could not move. He tried to put it in drive or reverse. It would not move.

Q What was traffic like at the time the incident occurred?

A It was light.

Q Have you ever been to that area before?

A Yes.

Q When had you been there prior?

A I told you, his aunt's house is over there.

Q When were you at his aunt's house on previous occasions?

A I don't know exactly. I cannot pinpoint it exactly right now.

Q Was it shortly before the time of the incident, was it over the course of years?

A I would say over the course of a month or two.

Q Did you ever meet his aunt?

A What?

Q Did you ever meet his aunt?

A Yes.

Q Do you recall her name?

A No.

Q What did she look like?

A She is dark-skinned, brown-skinned. She is short too, and -

Q Sorry?

A (No verbal response.)

Q Have you been back to that area since the incident occurred?

A No.

Q When you got into the Uber, what direction did you travel?

A It was south. First it was south.

Q What streets did it travel on?

A I don't know exactly what streets.

Q How long were you -

A At night.

Q Sorry?

A I said it was at night.

Q How long were you in the Uber when the incident occurred?

A Probably, like, fifteen, twenty minutes before that even happened.

Q How far did you travel during that time?

A I am not sure, but it was a little distance.

Q How far were you from the Target when the incident occurred?

A Probably ten minutes away.

Q So the Target is about twenty-five, thirty minutes from the aunt's house?

A Yes, that is what you can say.

Q But they're both in Valley Stream?

A The other side.

Q What time did Target close that night?

A They close at 11:00, 11:00 or 12:00 at night.

Q How were you feeling on the night of the incident before it occurred?

A How was I feeling? Good.

Q Were you under the influence of any drugs or alcohol that day?

A No.

Q Were you taking any prescription medications that day?

A No.

Q Were there any medications that you should have taken that you didn't take that day?

A No.

Q Prior to the impact, did you see the other vehicle at any point?

A No.

Q Prior to the impact, did you hear any screeching tires?

A No.

Q Any beeping horns?

A No.

Q Did the Uber driver beep its horn?

A No.

Q Did the Uber driver stay stopped for the duration of the incident?

A You said did the Uber driver stop?

Q Did the car stop, the Uber stop for the whole time of the incident?

A Yes, he was stopped the whole time. He stopped at the stop sign and -

Q What was he waiting for?

A For the car to go by, and then he was going to go. The other car came out of nowhere. He was at the stop sign.

Q Where were you looking immediately prior to the incident?

A Where was I looking? What was I looking at?

Q Yes.

A Out the window.

Q Did you get the license plate of the vehicle that hit the Uber?

A No.

Q Did you lose consciousness as a result of the incident?

A No.

Q Did anyone in the vehicle lose consciousness?

A No.

Q What did you do immediately after the impact?

A I stayed -- I was shocked. I stayed in the car. I was shocked when this happened.

Q Did anyone get out of the vehicle?

A Yes.

Q Who got out?

A Uber driver and Shelby.

Q Sorry?

A The Uber driver.

Q Did Shelby get out?

A Yes.

Q Yes?

A Yes.

Q Did anyone say anything at the time of the impact?

A No.

Q At what time did you get out of the vehicle?

A I got out when the police came.

Q How long did it take the police to arrive?

A Like, twenty minutes.

Q You stayed in the car by yourself?

A Yes.

Q Did Shelby get back in the car?

A Yes.

Q After how long?

A After the police came, the Uber driver came back in the car too. It was cold out there.

Q They got back in the car when the police came?

A Yes.

Q What were they doing while they were waiting for the police?

A We was all shocked talking, like, are we good? The Uber driver asked us if we are good. We said yes, everyone good, like that.

Q Were Shelby and the Uber driver in the car when this conversation was happening?

A Yes.

Q When they got out of the car, how long did they stay out of the car for?

A I would say, like, ten minutes until the police were writing the report.

Q Were there any witnesses to the incident?

A No.

Q Did anyone approach you while you were waiting for the police to arrive?

A No.

Q Did anyone approach the scene of the incident while you were waiting for the police?

A No.

Q Did you see the vehicle that hit the Uber pass by the car while you were waiting?

A No.

Q Did you ever see that vehicle again?

A No, I have not seen it.

Q Did you see a vehicle drive by the scene of the incident with no lights on?

A No.

Q Did you get out to look at the damage to the Uber?

A No.

Q How do you know what the damage was?

A Because they took pictures.

Q Who took pictures?

A Shelby and the Uber driver.

Q Did Shelby show you the pictures?

A Yes.

Q Did Shelby send them to you?

A No.

Q Do you know what Shelby's phone number is?

A What?

Q Do you know what Shelby's phone number is?

A No.

Q Do you have Shelby's phone number?

A No, I don't have it.

Q Have you ever had it?

A Yes, I had it, but I don't have it.

Q What is your phone number?

A 718-374-7556.

Q Is that a cell phone?

A Yes.

Q Is that the phone that you had at the time of the incident?

A Yes.

Q Have you had any other phone numbers between the day of the incident and today?

A No.

Q How long did you wait at the scene for?

A We stayed there -- I stayed - we stayed more than a half an hour.

Q Why did you stay?

A Because remember the car was totaled and we -- the police had to come and people had to come on the scene.

Q Who had to come on the scene?

A The police.

Q Anybody else other than the police?

A No.

Q Did you see if the other vehicle was damaged as a result of the incident before it was pulling away?

A No, not that I know of. I didn't see it.

Q Did you speak to the police?

A No.

Q Did Shelby?

A Yes.

Q Do you know what he said to them?

A Not that I know of. He was outside speaking to them. He must have told them what happened.

Q Did the driver speak to the police?

A Yes.

Q Did you hear what he said?

A Not that I know of.

Q Was a police report generated as a result of the incident?

A Yes.

Q Have you seen a copy?

A Yes.

Q Did anyone request an ambulance at the scene?

A No.

Q Why not?

A Nobody was going to go inside the ambulance. No one was going to go out1 there. He was not coming at the end of the day.

Q Did anyone request that an ambulance come?

A No.

Q Were you experiencing pain while you were at the scene of the incident?

A What did you say?

Q Were you experiencing pain while you were at the scene of the incident?

A Yes.

Q What pain were you experiencing at that time?

A It was my back and my knee.

Q Which part of your back?

A My lower back.

Q Which knee?

A My right knee.

Q Had you had any pain prior to the impact?

A No.

Q Did you seek medical attention on the date of the incident?

A The next day.

Q On the day of the incident, did you seek medical attention?

A No.

Q Where did you go after you left the scene?

A I went home. We went home.

Q How did you get home?

A A cab.

Q What type of cab did you take?

A A regular cab. A regular cab that you call, not a taxi, yellow cab. Just regular unmarked cab.

Q Did you hail the cab, call a cab company?

A No, called them.

Q You called the cab?

A Yes.

Q Which cab company did you call?

A I called Lexus Cab, a cab that is right up by me. It's called Bamerdu, B-A-M-E-R-D-U, Lexus Cab.

Q Did you have the number of that cab on you, or did you have to look it up?

A No, I know that cab by heart. I know the cab number by heart.

Q What is the number?

A 718-569-5959. It's not even funny because it's really serious.

Q How long did it take the cab to get there?

A About forty minutes, twenty to forty minutes. I was waiting outside too.

Q Did the cab get there after or before the police?

A After, after. I ain't call the cab until after everything was done. I ain't call the cab -- I called the cab. It takes forty minutes.

Q Who ended the Uber; you or the Uber driver?

A The Uber.

Q Did you report the incident to Uber?

A Did I report the incident to Uber? No, not that I know of, no.

Q Do you know if Shelby did?

A Not that I know of.

Q Where did you take the cab to that night?

A When I left from there, home.

Q Where did Shelby go?

A He went to the shelter. He went somewhere. He didn't go with me.

Q Did he go in the cab with you?

A (No verbal response.)

Q Was that a yes or a no?

A No.

Q You took the cab by yourself?

A Yes.

MS. STRONG: Can we take a five-minute break? [Whereupon, a brief recess was taken].

Q Your attorney said that Shelby is the other passenger's nickname. Do you know his full name?

A No, I know -- I don't know his full name. I call him his name. Shelby is his nickname. His name is Shapreice.

MR. RIBOWSKY: I have the spelling if you want it.

MS. STRONG: I want to know if he knew how to spell it.

A No.

Q Were you with Shelby when he booked the Uber?

A Yes.

Q Why did he put the destination in as ShopRite in Manhasset?

A Not that I know of.

Q Were you planning to go to Manhasset that night?

A No, not that I know of. Not that I know of, no.

Q Had you ever been shopping in Manhasset before with Shelby?

A No.

Q Did you ever discuss going to Manhasset with Shelby?

A No, not that I know of.

Q You said that you had been in the Uber for about fifteen to twenty minutes prior to the incident?

A Yes.

Q Only?

A Probably. It happened so fast, like, I don't know.

Q The incident occurred only about two, three blocks from the pick-up point. How do you explain that?

A Not that I know of. Not that I know of.

Q Were you in the Uber that night?

A Yes.

Q How long were you in the Uber that night?

A That is what I am saying. It's got to be ten, fifteen minutes or something like that. Not that I -- that I know of.

Q Were you awake and conscious at the time of the pick-up?

A Yes.

Q Were you aware that the incident occurred about three minutes after the pick-up?

A No.

Q You don't agree with that?

A I am not aware of that.

Q Were you still within walking distance to where you were picked up from at the time the incident occurred?

A Not that I know of.

Q Is that not true; did you not walk from the scene after you left the scene of the incident?

A I did not walk.

Q Did you walk from the scene?

A I waited for a cab.

Q You and Shelby didn't walk from the scene back to where you came from?

A No.

Q Did Shapreice call Uber from the vehicle?

A Yes.

Q What did he say to Uber?

A No, I don't think he called them. I don't think he called Uber. I'm not sure if he called them or not. I am not sure.

Q. Did he report the incident via the app?

A No.

Q Did he tell you he was reporting the incident?

A No, I don't know. I don't know. I am not sure.

Q Sorry?

A I didn't know; not sure.

Q What made you think that the vehicle was not drivable after the incident occurred?

A It was totaled. The whole bumper was off. The right -- the wheel was totaled.

Q What was wrong with the wheel?

A I think the wheel was coming out. Like, it broke or something. It bent or something.

Q Are you aware that the driver drove that vehicle from the scene that night?

A No, I am not aware.

Q Were you still at the scene when the driver left?

A I don't think the driver left.

Q You think he stayed there all night?

A Yes, they could not move nowhere I don't think.

Q Are you aware of any surveillance video of the incident?

A No.

Q Were there any dash cams in the vehicle?

A I don't know. Not that I know of.

Q Do you know if there were any recording devices inside of the vehicle?

A Not that I know of. I don't know.

Q How long were you at the scene for?

A I said, like, twenty minutes, thirty minutes, forty minutes. Probably longer than that because the police didn't come on the scene. People had to come on the scene, so I don't know how long I was there.

Q Other than the police, what other people had to come to the scene?

A No other people came.

Q What other people were you waiting for?

A Nobody. Only the police come was coming on the scene. The police came. Only the police came.

Q Was Shapreice injured?

A Yes, you can say.

Q The same as what?

A I said you can say, you can say.

Q You can say?

A Yes.

Q Do you have a nickname?

A No.

Q Did you personally take any pictures at the scene of the incident?

A No.

Q Did you call Liberty Mutual to report this incident?

A No.

Q Do you know if Shelby did?

A Not that I know of.

Q Have you spoken to Shelby since this incident occurred?

A I have not seen him lately.

Q Have you spoken to him?

A No, I don't got his phone number. I need his phone number.

Q Did you see him or speak to him at all between when the incident occurred and when his wife died?

A That was after probably a couple of months. Probably five or four months ago. That is the last time I spoke to him or seen him.

Q Did his wife die before or after this incident occurred?

A After.

Q So you spoke to him between the date of the incident and when his wife died; correct or no?

A Yes.

Q How many times did you speak to him during that time?

A Twice because he got to take care of her, her burial and stuff like that so I have not been in contact with him. He is taking care of things.

Q When did you first go for treatment as a result of this incident?

A The next day.

Q Where did you go?

A I went to Liberty.

Q Where is Liberty located?

A It's in Queens.

Q Is the name of the facility called Liberty?

A No, Liberty is the address. don't know exactly what it is, but -- what it's called.

Q Is it on Liberty Street, Liberty Avenue?

A Liberty Avenue.

Q What cross street?

A By Cross Bay.

Q It's on Liberty and Cross Bay?

A Cross Bay, yes.

Q Cross Bay Parkway?

A Cross Bay -- not that I know of 1- it's Cross Bay, not parkway.

Q How did you select that location?

A Shelby did.

Q Sorry?

A Shelby looked it up.

Q Who looked it up?

A Shelby looked it up.

Q When did he do that?

A I don't know. The next day.

Q Did you go there? 3

A What?

Q Did he tell you to go there?

A Yes.

Q When did he tell you to go there?

A I don't know. I just went there. We went there to go take care of things.

Q Did you go there together?

A No, he met me up there.

Q How did you know where to go?

A He told me where to go.

Q Did he call you?

A I spoke to him personally.

Q You spoke to him

Q How did you select that location?

A Shelby did.

Q Sorry?

A Shelby looked it up.

Q Who looked it up?

A Shelby looked it up.

Q When did he do that?

A I don't know. The next day.

Q Did you go there?

A What?

Q Did he tell you to go there?

A Yes.

Q When did he tell you to go there?

A I don't know. I just went there. We went there to go take care of things.

Q Did you go there together?

A No, he met me up there.

Q How did you know where to go?

A He told me where to go.

Q Did he call you?

A I spoke to him personally.

Q You spoke to him in person?

A Yes.

Q Why didn't you go together if you were already together?

A No.

Q No what?

A The difference is because we are not around each other.

Q You have to speak clearly. Can you repeat that?

A I said yes.

MS. STRONG: Can you read the question back, please? (Whereupon, requested testimony was read back.)

A We have to take care of things. He takes care of his own business, and I take care of my own business. We don't go together. He is his own man, and I am my own man.

Q When did he tell -

A I don't understand.

Q When did he tell you to go to this location?

A The next day.

Q Morning, night, afternoon?

A The evening time.

Q When did -

A Morning time.

Q When did you first go to the location?

A 12:00 p.m. or something like that. I don't know.

Q At night or in the afternoon?

A Afternoon.

Q Did you call before you went?

A No.

Q Did Shelby call?

A I don't know. Not that I know of.

Q How did you get there that day?

A A cab.

Q Did you call the cab or was one sent for you?

A No, I called a cab.

Q How did you know where to go?

A I told you. Oh, man. Shelby.

Q If you don't know the address, then how did you know it then?

A Shelby looked it up. That is how I know. He told me where to go. He looked it up.

Q How long did it take you to get there?

A Like, fifteen minutes from where I live at.

Q How did you select your attorney?

A Yes.

Q How did you select your attorney?

A I looked it up.

Q Who looked it up?

A Shelby looked it up.

Q Did he tell you where to go?

A No.

Q Then how -

A The phone number, he had the phone number to contact.

Q Sorry? Repeat that.

A He got the phone number, and we contacted them.

Q Shelby got the phone number?

A Yes, he looked it up.

Q Did you contact them separately, or did you contact them through Shelby?

A I contacted them separately.

Q When you first went to that location on Liberty, what were you complaining of?

A My right knee, my back, my shoulder, same thing.

[Note: The claimant's EUO transcript goes on at great length to discuss the claimant's medical treatment. All of the relevant testimony pertaining to the manner in which the accident occurred have all been addressed in the portion of the EUO transcript set forth above].

There are are number of discrepancies between the testimony offered by the claimant and that of Shaprice Townsend [identified as 'Shelby' by the claimant during his EUO testimony], the other passenger in the Uber vehicle in which the claimant was riding at the time of the accident, as well as the recorded interview of the Uber driver, Harnarine Rambharose. Below are excerpts from those accounts of the events surrounding the alleged collision.

This is the 12/15/23 recorded statement from Shaprice Townsend:

Q: All right, Shaprice, are you connected?

A: Yes, I'm here.

Q: OK, I will begin. Uh, this is Samantha of Liberty Mutual, calling from telephone number 469-997-9585. Today's date is December 15th, 2023. The time is 12:25 p.m. Central time. I am speaking with rider Shaprice in regards to claim number 791558810. And Shaprice, do I have permission to record?

A: Yeah, yes.

Q: Can you please state your name [background noise] and address, please?

A: My first name is Shaprice, S-H-A-P-R-I-E-C-E, last name is Townsend, T-O-W-N-S-E-16 N-D. My home address is 163-24 89th Avenue, Jamaica, New York 11432, Apartment 17 5D, as in dog.

Q: OK. And were you the only passenger, um, in the vehicle?

A: No, it was me and a friend of mine.

Q: And can you tell me what you remember happening?

A: So, um, I r-, me and a friend of mine, we got out of the bar, and then, I wind up just ordering a Uber to take the rest of the way to get to my home [sounds like],

'cuz me and my friend were trying to get things ready for Christmas. And so, I, I ordered my Uber on Faber [sounds like]. And so, the Uber came, got in. So, now, as we're on our way, heading down, um, I think that's, uh, Add-, Aid-, I don't know how to pronounce, um, pronounce it, pronounce it right, um, what's that, uh, A-, Aide-, Aiden [SP] Lane, or Aiden Road.

Q: [crosstalk] OK.

A: And so, as we were sitting right there at the intersection, so, I'm, I'm sitting behind the driver seat. And when I looked to my, when I looked to the right, there's a GMC truck there. And then, right in front of the GMC truck, there's no gap. So, the driver just decided to move up all the way towards the little path towards the intersection, where he ain't gotta bump into the car. And as he turn, as he made that, that little turn to go in 4 towards the curb, instead of just stayin' exactly where he at in the lane, out of nowhere, another car just came, smacked into him by doin' all, all, speedin', wide right turn, smacked into the driver side, knocked his mirror off, and took the bumper, and just took off.

Q: OK. So, wait.

A: And when he sma- . . .

Q: The other vehicle [crosstalk] came from behind, but went around your vehicle, correct?

A: Correct.

Q: OK. And did you get a license plate, by chance, of that GMC?

A: No, no.

Q: And then, OK.

A: The GMC was parked. The GMC truck was parked. The car that, that, that was behi-, that 60 was speedin' down the lane just did a al-, like, a wide, a wide turn towards the right, and 61 just smacked into us.

Q: OK. And so, what part of the vehicle you were in, what part was struck?

A: The right side, I mean, the left side, where the driver is.

Q: Was it the entire left side, or was it, like, the left front?

A: Um, it was, like, the, between the, the drive-, between the pass-, like, happened [sounds like] between, like, the back of the, when you open the passenger door, you know how the door just open up wide?

Q: Mm-hmm.

A: It is that in-, it is that gray [sounds like] part, and the driver side, and the driver door, and his right, and then, wiped out a mirror.

Q: OK. And were police called?

A: Yes.

Q: Um, do you know what jurisdiction came?

A: Um, Nassau County.

Q: Do you, by chance, have the report number?

A: Um, I have, I have, yes, I do. Um, I have, I took a picture of the report number. Give me 89 one second. I have it in my phone.

Q: OK.

A: [pause] OK. Um, the actual report number is G8J211HH-, um, give me one second, sorry, [pause] GMM2 [sounds like].

Q: OK. Thank you for that. And, um, was anyone injured?

A: Me, I, I wind up hit, like, I wind up jerking and, and whippin', like, whip-, like, 99 whiplashin' my neck, and my lower back, and my knee.

Q: OK. And so, your knee hit what?

A: Like, as I was sittin', my knee was stretch-, was stretched out underneath the driver seat. And so, my knee, when I j-, when I jumped for-, when I went forward, my knee locked on me, like, went backward, [crosstalk] and I smacked my, and I smacked my, and I w-, the back of my head, like, the side of my head on, like, on the dr-, like, on the passenger side dr-, um, window.

Q: OK. And did you go to the doctor?

A: No. Uh, um, I didn't, um, I didn't get a chance to, because, like, my body's just been constantly off-and-on with pain. So, I've been taking, like, um, uh, uh, uh, like, over-the-counter Tylenol, Advil.

Q: OK.

A: And then I hur-, I just started doin', um, like, physical therapy, I think, coming up soon, so . . .

Q: You've got physical therapy, but you haven't seen a doctor yet?

A: No, ha-, I, I have seen the doctor, but the doctor just told me to take some over-the-counter medication, like, some Tylenol. He said it was, like, I know, I know, like, I have, I know I'm hurt, um, like, I know, for a fact, my body literally, it, off-and-on, it flare up in pain, where I could feel my back tighten up and my neck getting stiff. But he found, like, there was nothing wrong.

Q: OK. And what day did you see a doctor?

A: I seen the doctor, um, the next, the next morning.

Q: So, the incident occurred on the 12th. So, you saw a doctor on the 13th, is that correct?

A: Yes.

Q: OK. And when you saw the doctor, what did he do for you? Did you go to the emergency room, urgent care, or was he your primary care physician?

A: No, I just went to, um, I went to, uh, uh, um, like, CityMD.

Q: Like, a what, I'm sorry?

A: I went to CityMD, like, a little walk-in clinic.

Q: OK.

A: And, uh, what they did was, they just gave me a MRI, and, um, and just a CAT scan, and they said there was nothin' wrong, they said. And if I do wind up becomin' in pain, just, um, just go to, just go straight, just go straight to the emergency room, and, um, just let them know that I, um, that I was in a car, that I was recently in a car accident, and then, that I went to see them, but then, I w-, you know . . .

Q: OK. And have you missed work or anything?

A: No. Currently, I'm not working at the moment.

Q: OK. And, uh, who was the other passenger in the vehicle? Do you have a name?

A: Um, his name, I, I know his fir-, his first name is Chris, but I don't, um, know his last name. I can get that for you.

Q: OK. So, you were taking an Uber with someone that you don't know who they are, their last name?

A: Right.

Q: OK. Um, and where were you picked up at? 1

A: I was picked up on, um, 28 Fel-, Faber.

Q: And you don't know who the passenger is, you just know him by first name, correct?

A: Correct.

Q: And how are you affiliated? How did you get to meet him?

A: Through another friend of mine.

Q: OK. Was this your first time meeting?

A: Right.

Q: OK. Um, do you, by chance, have a phone number for Chris?

A: No, I do not.

Q: All right. And when, um, when police came to the scene, did you, uh, did you let them know that you were injured?

A: Not that, yeah, I told them that I just felt, like, a little pain, but i-, it's not bad [inaudible], and they just told me, well, if, if it did, if it did feel like it's getting any worse, just go straight to the emergency room.

Q: OK. OK. Um, and were you wearing your seat belt?

A: No.

Q: OK. All right. Um, I think I have what I need for now, so, I'm going to, um, stop the recording. Um, today's date is December 15th, 2023. The time is 12:36 p.m.

Clearly, the testimony of Mr. Townsend contradicts the testimony of the claimant as to how well they knew one another. In fact, according to Townsend, he was meeting the claimant for the first time on the date of the accident [12/12/23], while the claimant testified that he knew 'Shelby' [meaning Mr. Townsend] since childhood, despite not knowing Shelby's last name, address, or phone number.

The EUO testimony of the Uber driver, Harnarine Rambharose, indicates that the contact between the Uber and the adverse vehicle was not an 'impact' but more like a 'grazing' which resulted in damage to the Uber vehicle's bumper and mirror, but certainly not anything severe, much less a totaling of the Uber car, which as driveable

after the incident. The two male passengers walked back home from the scene of the accident and neither of them expressed to the driver that they had sustained any injuries as a result of the incident. The passengers were on their way to Shop-Rite in Manhasset at the time of the incident. While all of these statements conflict with the account provided by the claimant in his EUO testimony, the Uber driver does corroborate the claimant's statements to the effect he was a passenger in the Uber when the accident occurred, the Uber vehicle is silver in color, the contact with the other vehicle occurred around 10:00 p.m. on 12/12/23, and the police were summoned to the scene.

The Explanation of Benefits portion of the Respondent's Denial of Claim sets forth the following basis for the denial:

All No-Fault benefits for this claimant are denied. Liberty Mutual's investigation has revealed false information submitted in support of this claimant's claim revealing misrepresentations of material facts. Per the policy, Fraud "We do not provide coverage for any insured ("insured") who has made fraudulent statements or engaged in fraudulent conduct in connection with any loss ("loss") or damage for which coverage is sought under this policy". Accordingly, the claim is denied in its entirety.

The Respondent is limited to the four corners of the denial. All other issues brought up by one attorney or the other during the 7/1/25 hearing are irrelevant sideshows, which do not merit detailed discussion, inclusive of the Declaratory Judgment action pending in Supreme Court of Queens County under Index Number 702074/2025 before Justice Everett, for which neither party has submitted the relevant papers to the ECF [Electronic Case Folder], as well as the 120 day rule issue for which neither side has uploaded any delay letters sent to Applicant.

The Respondent's denial rests entirely on its contention that the insured made material misrepresentations and fraudulent statements. The evidence submitted in the form of the claimant's EUO transcript, the Uber driver's EUO transcript, and the 12/15/23 recorded statement of Shapriec Townsend, the other passenger in the Uber at the time of the accident, while it does indicate the claimant's account is at variance with the statements of the two other men in the Uber car as it relates to certain tangential matters, such as, among other things, the degree of his relationship to Mr. Townsend or how long the two of them knew each other, on the basic and fundamental question of was the claimant a passenger in the Uber at the time of the incident, the testimony of the claimant is corroborated by the testimony of Shapriec Townsend and Harnarine Rambharose [Uber driver].

Because the Respondent did not see fit to provide this arbitrator with a clear, coherent and concise index of what specific misrepresentations and/or fraudulent statements in the claimant's EUO transcript the Respondent relies upon to support its defense, it was left for this arbitrator to painstakingly review the EUO transcripts of both the claimant and Mr. Rambharose and the 12/15/23 recorded interview statement of Mr. Townsend in an effort to determine what discrepancies among the various accounts of the events surrounding the accident exist, and, more consequentially, whether any such discrepancies rise to the level of fraudulent statements or material misrepresentations which would require or justify a dismissal of the claim for reimbursement of No-Fault

benefits. I found none. The claimant was by all accounts present in the Uber vehicle as a passenger at the time of the incident of 12/12/23. He correctly described the color of the Uber vehicle and the identity of the other passenger. Whether he knew Mr. Townsend for twenty years or twenty minutes is of no moment when trying to determine whether the incident meets the definition of a staged collision.

Therefore, it is my determination that the Applicant is entitled to reimbursement as requested, as the Respondent's defense does not find adequate support in the evidence submitted. Accordingly, I find in favor of the Applicant, and reimbursement as requested is due and owing. This decision is in full disposition of all claims for reimbursement of No-Fault benefits presently pending before this arbitrator.

5. Optional imposition of administrative costs on Applicant.
Applicable for arbitration requests filed on and after March 1, 2002.

I do NOT impose the administrative costs of arbitration to the applicant, in the amount established for the current calendar year by the Designated Organization.

6. **I find as follows with regard to the policy issues before me:**
- The policy was not in force on the date of the accident
 - The applicant was excluded under policy conditions or exclusions
 - The applicant violated policy conditions, resulting in exclusion from coverage
 - The applicant was not an "eligible injured person"
 - The conditions for MVAIC eligibility were not met
 - The injured person was not a "qualified person" (under the MVAIC)
 - The applicant's injuries didn't arise out of the "use or operation" of a motor vehicle
 - The respondent is not subject to the jurisdiction of the New York No-Fault arbitration forum

Accordingly, the applicant is AWARDED the following:

A.

Medical		From/To	Claim Amount	Status
	Ace Med Supplies Inc.	06/24/24 - 06/24/24	\$620.62	Awarded: \$620.62
	Viotek Med Supplies Inc	04/16/24 - 04/16/24	\$349.41	Awarded: \$349.41
Total			\$970.03	Awarded: \$970.03

B. The insurer shall also compute and pay the applicant interest set forth below. 12/26/2024 is the date that interest shall accrue from. This is a relevant date only to the extent set forth below.

Interest runs from the filing date for this case, 12/26/24, until payment has been made at two percent per month, simple interest, on a pro rata basis using a thirty day month.

C. Attorney's Fees

The insurer shall also pay the applicant for attorney's fees as set forth below

After calculating the sum total of the first party benefits awarded in this arbitration plus the interest thereon, Respondent shall pay Applicant an attorney's fee equal to 20% of that sum total, subject to a minimum of \$60 and a maximum of \$850. See 11 NYCRR Section 65-4.6(c) and (e). However, if the benefits and interest awarded thereon are less than or equal to Respondent's written offer during the conciliation process, the attorney's fee shall be based upon the provisions of 11 NYCRR Section 65-4.6(b). For cases filed after February 4, 2015 there is no minimum fee and a maximum fee of \$1,360.00.

D. The respondent shall also pay the applicant forty dollars (\$40) to reimburse the applicant for the fee paid to the Designated Organization, unless the fee was previously returned pursuant to an earlier award.

This award is in full settlement of all no-fault benefit claims submitted to this arbitrator.

State of NY

SS :

County of NASSAU

I, Paul Weidenbaum, do hereby affirm upon my oath as arbitrator that I am the individual described in and who executed this instrument, which is my award.

07/09/2025

(Dated)

Paul Weidenbaum

IMPORTANT NOTICE

This award is payable within 30 calendar days of the date of transmittal of award to parties.

This award is final and binding unless modified or vacated by a master arbitrator. Insurance Department Regulation No. 68 (11 NYCRR 65-4.10) contains time limits and grounds upon which this award may be appealed to a master arbitrator. An appeal to a master arbitrator must be made within 21 days after the mailing of this award. All insurers have copies of the regulation. Applicants may obtain a copy from the Insurance Department.

ELECTRONIC SIGNATURE

Document Name: Final Award Form
Unique Modria Document ID:
e2857b4da8df37bc7cf7aaa2d814b0ff

Electronically Signed

Your name: Paul Weidenbaum
Signed on: 07/09/2025