

At IAS Part 83 of the Supreme Court of the State of New York, held in and for the County of Kings, at the Courthouse thereof, 360 Adams Street, New York, New York on the 16th day of November, 2021.

**P R E S E N T: HON. INGRID JOSEPH**

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS

-----X  
NANCY LAWRENCE,

Plaintiffs,

- against -

Index No. 525877/2020

JOSE IZALDE, FRANCO GABRICIANO, NANDEZ TRUCKING, INTEGON GENERAL INSURANCE COMPANY and NATIONAL GENERAL INSURANCE COMPANY,

Defendants.

DECISION AND ORDER

-----X  
The following e-filed papers considered herein:

E-Filed Papers Numbered

Notice of Motion .....	4 - 7
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In this matter, defendants Integon General Insurance Company ("IGIC") and National General Insurance Company ("NGIC") (referred to collectively as "defendants") move by Notice of Motion (Motion Seq. 1) to dismiss the Third and Fourth causes of action for bad faith asserted by plaintiff, Nancy Lawrence ("plaintiff"), based upon their contention that plaintiff lacks standing, or, alternatively, for an order severing plaintiff's claims against defendants pursuant to CPLR § 603.


Upon consideration of the documents submitted and after oral argument, the court finds that the defendants have established, through the affidavit of Michael Pearce, a Senior Manager of Commercial Lines Underwriting for National General Management Corporation, that the plaintiff is not insured by either NGIC nor IGIC. Under New York law, a cause of action for bad faith arises

under a contract of insurance (*Gordon v Nationwide Mut. Ins. Co.*, 30 NY2d 427 (1972)). Since plaintiff never had a contract of insurance with NGIC or IGIC, the court finds that she lacks standing to assert bad faith causes of action against them.

Accordingly, defendants' motion (Motion Seq. 1) is granted to the extent that plaintiff's Third and Fourth causes of action are dismissed.

This constitutes the decision and order of the court.

ENTER.

  
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HON. INGRID JOSEPH, J.S.C.  
Hon. Ingrid Joseph  
Supreme Court Justice