

Supreme Court
of the
State of New York



HON. PETER H. MOULTON
ADMINISTRATIVE JUDGE FOR CIVIL MATTERS

60 CENTRE STREET
NEW YORK, NY 10007

ADMINISTRATIVE ORDER

On January 15, 2014, a water main break occurred at the intersection of 13th Street and Fifth Avenue in Manhattan. A number of lawsuits have been commenced in the Supreme Court, Civil Branch, New York County seeking damages that are alleged to arise out of or relate to this incident. The undersigned has been provided with a listing of 13 such actions, which are brought against the City of New York and other parties. A copy of this listing is annexed to this Order.

By notice of motion filed June 9, 2015, the City of New York moved in *Butterfield House, Inc. v. City of New York*, Index No. 160986/2014, pursuant to Uniform Rule 202.69 and the Procedures of the Litigation Coordinating Panel, for an order granting pre-trial coordination of matters related to the incident. This motion was made returnable in the Motion Submission Courtroom (Room 130). An amended notice of motion was filed by the City on June 11, 2015 seeking the same relief. This motion was also made returnable in Room 130 and has been assigned Motion Sequence No. 2. The same motions have been made in the other 12 actions. There has been no opposition to the motions.

The 13 actions listed on the appendix have been assigned by the Clerk to Justice Margaret Chan (City Part 52) because the Requests for Judicial Intervention identified the cases as related matters. An initial action was no doubt assigned at random to a City Part and the other actions were assigned to the same Justice as related matters.

All 13 of the matters that have been brought to the attention of the undersigned are pending in this court. Uniform Rule 202.69 applies when related actions are pending in more than one judicial district. Subd. (a) of the Rule. Therefore, the applications are not at this point matters for the Litigation Coordinating Panel under that Rule. When multiple related actions are pending in this court only, the Administrative Judge of this court has the authority to direct that all such actions be assigned to one Justice of this court for all purposes if doing so would be in the interests of efficiency and expedition, convenience for the parties, judicial economy, and the avoidance of duplicative rulings. Justice Chan, to whom as the assigned Justice the applications had been referred by the Motion Submission Courtroom, brought

them to my attention.

Plainly, it makes sense to assign the 13 cases and any other related ones pending in this court, now or hereafter, to a single Justice for all purposes. The cases arise out of and relate to a single discrete event. Common discovery will take place in these cases. It would clearly be inefficient, costly, and likely productive of delay were these cases to be assigned at random to different Justices. Doing that would burden the Justices unnecessarily and create the risk of conflicting rulings. With a single Justice assigned, discovery can be tailored to the needs of all cases and various proceedings can occur once rather than many times. Motion practice and other matters in these cases can be addressed in a coherent and organized manner. Time and expense can be saved for all concerned.

Although, as noted, all of the actions now pending and listed on the appendix are assigned to Justice Chan, it is possible that other related actions may hereafter be commenced in this court (the City alludes to the likelihood of such filings). So it is appropriate to issue this Order to ensure that all related actions be assigned to one Justice for all purposes.

Accordingly, by the authority vested in me as Administrative Judge of this court, I hereby order as follows:

(1) The Clerk of the back office in which an RJI is filed shall assign to Justice Chan (City Part 52) for all purposes all cases that may be pending in this court at present but that are not listed on the attached appendix, and all cases that are commenced in this court hereafter, in which the plaintiff seeks damages for injury to property, lost profits, or other injuries arising out of or related to the water main break on January 15, 2014 described above.

(2) If there are any related actions pending in this court and assigned to a Justice already that are not listed on the appendix, counsel shall promptly advise the Clerk of the General Clerk's Office of this fact and provide to the Clerk a copy of this Administrative Order, and the Clerk shall reassign those actions to Justice Chan. Attorneys who have filed or hereafter file such actions in this court shall file an RJI therein as promptly as is practicable. A copy of this Order shall be annexed to each such RJI. Upon the filing of the RJI, the Clerk shall assign each such case to Justice Chan.

(3) The Clerk shall reassign and assign cases to Justice Chan in accordance herewith regardless of whether the City is named as a party.

Dated: October 7, 2015


HON. PETER H. MOULTON
Administrative Judge J.S.C.

Attached Exhibit List of Water Main Breakage Cases at East 13th and Fifth Avenue

Plaintiff(s)	Defendant(s)	Court	Index Number	Action Number
BUTTERFIELD HOUSE, INC., 13 WEST 13 APARTMENTS CORP., WEST 13TH ST. OWNERS INC.,	THE CITY OF NEW YORK, CONSOLIDATED EDISON, INC., CONSOLIDATED EDISON OF NEW YORK, INC.,	New York Supreme	160986/2014	1
ONEBEACON INSURANCE COMPANY A/S/O NEDERLANDER THEATRICAL CORPORATION	CITY OF NEW YORK, SP PLUS CORP. AND CENTRAL PARKING SYSTEM OF NEW YORK, INC	New York Supreme	162871-2014	2
THE NEW SCHOOL	CITY OF NEW YORK, CONSOLIDATED EDISON, INC., CONSOLIDATED EDISON OF NEW YORK, INC.	New York Supreme	158076-2014	3
VERIZON NEW YORK INC	The CITY OF NEW YORK, NEW YORK CITY DEPARTMENT OF ENVIRONMENTAL PROTECTION	New York Supreme	150987-2015	4
ELEANOR LAI	THE CITY OF NEW YORK	New York Supreme	151514/2015	5
ADMIRAL INDEMNITY COMPANY A/S/O 8 WEST 13TH STREET TENANTS CORP.	THE CITY OF NEW YORK	New York Supreme	151920/2015	6
CONSOLIDATED EDISON COMPANY OF NEW YORK	THE CITY OF NEW YORK	New York Supreme	150961/2015	7
BUTTERFIELD HOUSE, INC.	THE CITY OF NEW YORK	New York Supreme	153450/2015	8
JUDITH COVEN and MICHAEL GALLANTZ as Trustees of the GEORGE G.	THE CITY OF NEW YORK, CONSOLIDATED EDISON, INC., CONSOLIDATED	New York Supreme	152272/2015	9

GALLANTZ REVOCABLE TRUST	EDISON OF NEW YORK, INC.			
ROBERT and ANNABELLE DUGGER	THE CITY OF NEW YORK, CONSOLIDATED EDISON, INC., CONSOLIDATED EDISON OF NEW YORK, INC.	New York Supreme	153099/2015	10
TALBOT UNDERWRITING RISK SERVICES LTD.	THE CITY OF NEW YORK	New York Supreme	153534/2015	11
JASON PATRIC	THE CITY OF NEW YORK, CONSOLIDATED EDISON, INC., CONSOLIDATED EDISON OF NEW YORK, INC.	New York Supreme	153616/2015	12
CONTINENTAL CASUALTY COMPANY as subrogee of THE NEW SCHOOL, THE NEW SCHOOL, GRAPHIC ARTS MUTUAL INSURANCE COMPANY as subrogee of METROPOLITAN VISION OPTOMETRY PLLC, and BANKERS STANDARD INSURANCE COMPANY as subrogee of MATHEW BLANK, DAVID S. HIRSCH and BRIAN MULLINS	THE CITY OF NEW YORK, CONSOLIDATED EDISON, INC., and CONSOLIDATED EDISON OF NEW YORK, INC.	New York Supreme	153571/2015	13