



STATE OF NEW YORK  
**UNIFIED COURT SYSTEM**  
**FIRST JUDICIAL DISTRICT**  
**SUPREME COURT, CIVIL BRANCH**  
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**LAWRENCE K. MARKS**  
Chief Administrative Judge

**FERN A. FISHER**  
Deputy Chief Administrative Judge  
New York City Courts

**HON. PETER H. MOULTON**  
Administrative Judge for Civil Matters  
First Judicial District

## **ADMINISTRATIVE ORDER**

A number of actions pending in this court and another in Kings County involve claims arising out of an accident that occurred on May 31, 2015, when a 23,000 pound HVAC unit that was being hoisted onto the thirtieth floor of a building located at 260 Madison Avenue in Midtown Manhattan, fell twenty-nine stories to the ground.

Defendants Bay Crane Service, Inc. and Skylift Contractor Corp., by their counsel, have requested coordination of the actions. No other parties to the above-referenced litigation oppose the request. Upon consideration of all of the issues (such as the fact that the cases share common negligence allegations and seek damages for injuries allegedly caused by a single event), and in the interest of judicial economy, it is apparent that New York County would serve as the best location to litigate disputes arising out of the above-referenced incident. To date, the majority of the actions are filed in New York County and this is the situs of all of the relevant events. New York County is well-suited to manage cases involving incidents such as this, and the New York County courthouse is not burdensome for any litigants, witnesses or counsel for any party to travel to.

Administrative Judges of this court have issued Administrative Orders directing that cases arising out of or related to occurrences similar to an explosion be assigned to a single Justice, such as in cases arising out of water main breaks, fires, and crane collapses. Clearly, such an order is appropriate here. As noted above, there are already several actions pending in New York County that arise out of or relate to the 260 Madison Avenue HVAC unit collapse in Midtown Manhattan.

In view of the relationship among these cases, and the commonality between the parties involved in the cases, it is clear that there will be much overlapping discovery sought in these actions. Absent an Administrative Order, there would likely be repetitive depositions of witnesses and demands for documents, among other forms of discovery. Clearly, it is in the interests of all parties to these actions, as well as witnesses, that the cases be assigned to a single Justice of this court so that he or she can supervise and coordinate discovery in order to promote the most efficient, prompt, and inexpensive process possible, avoiding duplication and unnecessary expenditure of time and resources.

Assigning all of these cases to a single Justice will also allow for the most efficient possible handling of motions and other proceedings in these cases. This will reduce expenses for the parties and promote the expeditious handling of these cases.

It makes sense to assign these cases to a single Justice from other perspectives as well. Doing so avoids the risk that would otherwise arise of inconsistent rulings by different Justices. It also conserves judicial resources and uses them in the most efficient manner possible, rather than requiring that many different Justices cover the same factual and legal ground.

An assignment to a single Justice likewise serves the convenience of the parties and all of the attorneys in these cases. It is better to appear in one Part before one Justice than in many Parts before many Justices.

I am unaware of any considerations that are countervailing to those recited here. There has not been to date a substantial investment of judicial time and energy in the cases as currently assigned that would militate against the assignment of all cases to a single Justice.

Accordingly, by the authority vested in me as Administrative Judge of this court, I hereby direct that the Clerk of the Trial Support Office of this court reassign all of the actions on the attached Appendix, and others, to the Hon. Joan Kenney, IAS Part 8. I further direct that the relevant back office of this court assign to Justice Kenney any other cases involving the above-referenced 260 Madison Avenue HVAC unit collapse in Midtown Manhattan in which an RJI has been filed, but that does not appear on the Appendix, and all 260 Madison Avenue HVAC unit collapse in Midtown Manhattan cases commenced in this court or in Kings County in which an RJI is filed hereafter. Any case that arises out of or relates to the 260 Madison Avenue HVAC unit collapse in Midtown Manhattan shall be so assigned, and shall remain so assigned, even if the City of New York is not or ceases to be a party to such a case. Justice Kenney shall issue such orders and directives as shall most efficiently and effectively coordinate the processing of these actions. This assignment is for all purposes.

Parties filing an RJI in any 260 Madison Avenue HVAC unit collapse in Midtown Manhattan case after this date shall mark thereon that the case is related to the 260 Madison Avenue HVAC unit collapse in Midtown Manhattan Cases listed on the Appendix and shall attach to the RJI a copy of this Administrative Order.

Information on cases in Supreme Court, Civil Branch, New York County is available in the *Supreme Court Records On-Line Library (Scroll)*, which is accessible at no charge on the website of the Supreme Court, Civil Branch, New York County at the "Case Information" link at the following address:

[www.nycourts.gov/supctmanh](http://www.nycourts.gov/supctmanh)

In prior years, the court provided notification by mail of certain appearances, but ceased to

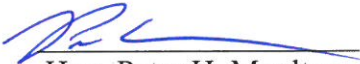
do so in summer 2012. Instead, counsel should sign up for the court system's *E-Track* service, which provides notification by e-mail of all appearances recorded in the court's electronic case history program, as well as other developments recorded therein, such as the issuance of decisions and long-form orders. *E-Track* allows counsel to list with the service some or all of the firm's cases that are pending in the Supreme Court, Civil Branch, New York County, and in other counties as well, which will permit counsel to receive e-mail notification regarding all developments in those cases. *E-Track* can also provide appearance reminders should counsel wish to avail themselves of that capability. To sign up for *E-Track*, counsel should go to the following address:

<http://iapps.courts.state.ny.us/webcivil/trackLogin>

There is no charge for the *E-Track* service

The website of this court (under "Mass Tort Orders" at "Court Resources") lists and provides access to case management orders in various cases that may assist the parties to these actions.

Dated: New York, New York  
August 2, 2016

  
Hon. Peter H. Moulton  
Administrative Judge

## APPENDIX

### 260 MADISON AVENUE HVAC UNIT COLLAPSE

#### Cases Pending in Supreme Court, New York County

*Kenneth Jones v. 260-261 Madison Avenue LLC, Skylift Contractor Corp. and Bay Crane Services, Inc.*, Index 155495/2015

*Admiral Indemnity Company a/s/o ZUMA NYC LLC d/b/a ZUMA v. 260-261 Madison Avenue LLC, Skylift Contractor Corp. and Bay Crane Services, Inc.*, Index 162167/2015

*Gregory Welch and Priscilla Welch v. 260-261 Madison Avenue LLC, Skylift Contractor Corp. and Bay Crane Services, Inc.*, Index 162502/2015

#### Cases Pending in Supreme Court, Kings County

*Tyrone McGann and Mary McGann v. Skylift Contractor Corp.*, Index 509856/2016