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UNIFIED COURT SYSTEM
FIRST JUDICIAL DISTRICT
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LAWRENCE K. MARKS
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HON. PETER H. MOULTON
Administrative Judge for Civil Matters
First Judicial District

ADMINISTRATIVE ORDER

A number of actions pending in this court and in Bronx County involve claims arising out of a March 26, 2015 gas explosion located at or near 121 Second Avenue, New York, New York. In each action, it is alleged that the cause of the explosion was negligence or recklessness on the part of Consolidated Edison ("Con Ed") and more than a dozen other individuals or entities also named as defendants in some or all of the actions.

Con Edison, by its counsel, requested coordination of the actions. By Decision and Order dated February 29, 2016, the State of New York Litigation Coordinating Panel ("the Panel") granted the coordination of the actions, and any other subsequently filed actions, in New York County, pursuant to Section 202.69 of the Uniform Rules for the Trial Courts. The actions were coordinated because the Panel found that all of the cases share common negligence allegations and seek damages for injuries allegedly caused by a single event. Con Edison asserts that coordination will afford the most efficient means for conducting discovery and pre-trial motion practice, and will serve to avoid duplicative discovery, reduce the risk of inconsistent rulings, conserve judicial resources and prevent undue inconvenience of the parties, witnesses and counsel.

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, the Panel found that the purposes of Section 202.69 of the Uniform Rules for the Trial Courts of the State of New York are best served by granting the application for coordination of the action in New York County. Among other things, the Panel considered that the majority of the actions are filed in New York County and this is the situs of all of the relevant events. It also considered that New York County is well suited to manage cases involving incidents such as this, and that 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 gas explosion located at or near 121 Second Avenue. In varying combinations, similar claims for damages are made against the same defendants on various theories of tortious injury, often the same in many of these cases.

In view of the relationship among these 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 Hon. James D'Auguste, City Part 62. I further direct that the relevant back office of this court assign to Justice D'Auguste any other 121 Second Avenue Explosion Case in which an RJJ has been filed, but that does not appear on the Appendix, and all 121 Second Avenue Explosion Cases commenced in this court or in Bronx County in which an RJJ is filed hereafter. Any case that arises out of or relates to the 121 Second Avenue gas explosion 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 D'Auguste shall issue such orders and directives as shall most efficiently and effectively coordinate the processing of these actions. This assignment is for all purposes.

The parties shall confer and shall address with Justice D'Auguste the possible

transfer to this court of the actions pending in Civil Court.

Parties filing an RJJ in any 121 Second Avenue Explosion Cases after this date shall mark thereon that the case is related to the 121 Second Explosion Avenue Cases listed on the Appendix and shall attach to the RJJ 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

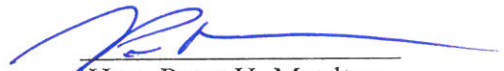
In prior years, the court provided notification by mail of certain appearances, but ceased to do so in summer 2012. Instead, counsel should sign up for the court system's *E-Track* service, which provides notification by e-mail of all appearances recorded in the court's electronic case history program, 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/erackLogin>

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
June 24, 2016


Hon. Peter H. Moulton
Administrative Judge

APPENDIX

SECOND AVENUE EXPLOSION CASES

Cases Pending in Supreme Court, New York County

Chongbang v. Mah Realty, Index 154160/2015

Pizzaia v. Con Ed, Index 155005/2015

Tower Ins. v. Con Ed, Index 156290/2015

BK v. City of New York, Index 156947/2015

McDonald v. Kiev Realty, Index 159772/2015

Cases Pending in Supreme Court, Bronx County

Chen v. Con Ed, Index 021949/2015

Pasternak v. Con Ed, Index 023017/2015

Galarce v. Con Ed, Index 023723/2015

Lasca v. Hrynenko, Index 024763/2015

Kang v. Hrynenko, Index 025655/2015

Toledo v. Mah Realty, Index 303822/2015

Cases Pending in Civil Court, New York County

Griselle v. City of New York, Index 19708/2014

Thomas v. City of New York, Index 19704/2014