



STATE OF NEW YORK  
**UNIFIED COURT SYSTEM**  
**FIRST JUDICIAL DISTRICT**  
**SUPREME COURT, CIVIL BRANCH**  
60 CENTRE STREET  
NEW YORK, NY 10007-1474  
(646) 386-5713

**A. GAIL PRUDENTI**  
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 are pending in this court that involve claims arising out of a gas explosion that took place on March 12, 2014 at buildings located at 1644 and 1646 Park Avenue, Manhattan. Consolidated Edison, Inc. and two related entities (hereinafter collectively referred to as "Con Ed") and the City of New York have submitted two letters to the undersigned in which they seek pre-trial coordination of these and related actions and a temporary stay pending a decision on these requests. No opposition has been submitted.

Con Ed advises that 34 cases have been filed in this court against it arising out of or relating to the explosion on March 12, 2014.<sup>1</sup> The City reports that 26 actions have been filed in this court against it arising out of or relating to this incident. Some related cases have also been commenced in the New York City Civil Court. Attached is an Appendix that lists the cases pending in this court of which we are thus far aware. These actions assert claims against combinations of the same defendants, including Con Ed, the City, the owners of the buildings and a company that performed work at one of the locations. The plaintiffs advance claims for personal injury, wrongful death, emotional distress, property damage, and other injuries on a number of theories, including negligence. I hereinafter refer to these cases and similar cases arising out of or relating to the explosion and brought against Con Ed, the City, and other defendants, or some of them, as "the Park Avenue Explosion Cases."

The City states that, as of late March, about 223 Notices of Claim had been filed against the City relating to the incident.

---

<sup>1</sup> Our staff counts 33 such cases. One of the cases cited by Con Ed (*Nelson*) is listed twice on its Appendix A, once under an incorrect index number.

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. This has sometimes been done *sua sponte*, when the staff of the court has noted the filing here of multiple actions arising out of a common occurrence such as these. Just this month, for example, I issued such an order with respect to cases arising out of a certain fire in Manhattan.

Clearly, such an order is appropriate here. As noted above, there are already pending in this court many actions that arise out of or relate to the Park Avenue explosion. 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. Requests for Judicial Intervention have been filed in a number of these cases and at least six different Justices have been assigned to them so far. It appears likely that more such actions will be instituted in this court, perhaps many more.

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 in which an RJI has been filed (other than the one case already so assigned) to Hon. Lynn R. Kotler, City Part 5. I further direct that the relevant back office of this court assign to Justice Kotler any other Park Avenue Explosion Case in which an RJI has been filed, but that does not appear on the Appendix, and all Park Avenue Explosion Cases commenced in this court in which an RJI is filed hereafter. Any case that arises out of or relates to the Park Avenue 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 Kotler 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 Kotler the possible transfer to this court of the actions pending in Civil Court.

It is unnecessary to address the stay requests of Con Ed and the City.

Parties filing an RJI in any Park Avenue Explosion Case after this date shall mark thereon that the case is related to the Park Avenue Explosion 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/etrackLogin>

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  
April 29, 2015



Hon. Peter H. Moulton  
Administrative Judge

## APPENDIX

### PARK AVENUE EXPLOSION CASES

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

*Nelson v. City of New York*, No. 151725/2015

*Barrios v. Consolidated Edison Co.*, No. 153102/2014 (Mendez, J., Part 13)

*Quinones v. Consolidated Edison Co.*, No. 153103/2014

*Arias-Amacosta v. Consolidated Edison of New York*, No. 153700/2014  
(Wooten, J., Part 7)

*Salgado v. Consolidated Edison, Inc.*, No. 157640/2014

*Midtown Fish & Meat Market Corp. v. City of New York*, No. 157698/2014

*Nashal v. City of New York*, No. 157705/2014

*Your Health Pharmacy, Inc. v. City of New York*, No. 158446/2014

*Christina's Wine & Liquor, Inc. v. City of New York*, No. 158646/2014

*116 Park Deli Inc. v. City of New York*, No. 158647/2014

*MN Business Group Inc. v. City of New York*, No. 158686/2014

*Najd v. City of New York*, No. 158778/2014

*Al-Rousan v. City of New York*, No. 158871/2014

*Cruz-Gonzalez v. Consolidated Edison of New York*, No. 159223/2014

*Scott v. City of New York*, No. 159876/2014 (Nervo, J., Part 62)

***Lesane v. Spanish Christian Church, Inc.*, No. 160334/2014 (Nervo, J., Part 62)**

***Pizarro v. City of New York*, No. 160696/2014**

***New York Glamour Styles Salon, Inc. v. City of New York*, No. 160725/2014**

***Daniels v. City of New York*, No. 161198/2014**

***Samuels v. Consolidated Edison, Inc.*, No. 161480/2014**

***Joseph v. City of New York*, No. 161595/2014 (Kotler, J., Part 5)**

***David's Tax Preparation LLC v. City of New York*, No. 162000/2014**

***Vizcaino v. City of New York*, No. 162271/2014 (Hagler, J., Part 17)**

***Jasper v. City of New York*, No. 162481/2014 (Chan, J., Part 52)**

***Berkley Regional Ins. Co. v. Consolidated Edison of New York, Inc.*, No. 162681/2014**

***Quinones v. City of New York*, No. 162701/2014**

***Marine v. City of New York*, No. 162863/2014**

***Pagan v. City of New York*, No. 151399/2015**

***Alshyef v. Muramatsu*, No. 151628/2015**

***Virgo v. Muramatsu*, No. 151564/2015**

***Leading Insurance Services, Inc. v. Consolidated Edison of New York Inc.*, No. 151606/2015**

***Mejia-Manzueta v. City of New York, No. 152171/2015***

***Nasser v. City of New York, No. 152355/2015***

**Cases Pending in Civil Court, New York County**

***Griselle v. City of New York, No. 19708/2014***

***Thomas v. City of New York, No. 19704/2014***