

Notaro v Transmission & Engine Repairs, Inc.

2007 NY Slip Op 33904(U)

November 16, 2007

Supreme Court, Suffolk County

Docket Number: 0019746/2007

Judge: Paul J. Baisley

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publication.

SUPREME COURT - STATE OF NEW YORK
DCM-J - SUFFOLK COUNTY

PRESENT:

Hon. Paul J. Baisley, Jr.

JACK A. NOTARO

Plaintiff(s),

-against-

TRANSMISSION & ENGINE REPAIRS, INC.,
RICHARD KRONBICHLER and
LINDA SICURANZA

Defendant(s).

ORIG. RETURN DATE: November 9, 2007
MTN. SEQ. #: 001-MG/CONS

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Upon the following papers numbered 1 to 6 read on this motion to consolidate: Notice of Motion and supporting papers 1 - 6; it is,

ORDERED that this unopposed motion (001) by the defendant Linda Sicuranza for an order directing the consolidation of this action (Suffolk County, Index No. 19746/07) with a related action pending in the District Court of Nassau County (Captioned as: GEICO GENERAL INSURANCE COMPANY AS SUBROGEE OF JACK A. NOTARO v LINDA SICURANZA and RICHARD KRONBICHLER [Index Number not provided]) is granted in accordance with CPLR 602(a); and it is further

ORDERED that the venue of the Nassau County action is hereby changed to Suffolk County in accordance with CPLR 511(d) and that the consolidated action shall be tried under the existing Suffolk County Index Number 19746/76; and it is further

ORDERED that this consolidated matter shall now proceed in Suffolk County solely under Index No. 19746/07 and shall be captioned as

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Index No. 19746/2007

Notaro vs Transmission & Engine Repairs, Inc.

**JACK A. NOTARO and GEICO GENERAL
INSURANCE COMPANY a/s/o/ JACK A. NOTARO,**

Plaintiffs,

v

Index No. 19746/07

**TRANSMISSION & ENGINE REPAIRS, INC.,
RICHARD KRONBICHLER and
LINDA SICURANZA,**

Defendants.

; and it is further

ORDERED that the Clerk of the Court of the District Court, Nassau County is hereby directed to deliver to the Clerk of the Court of Suffolk County all papers filed in the Nassau County District Court action, in accordance with CPLR 511(d), which shall be filed with the Clerk of the Court of Suffolk County; and it is further

ORDERED that the moving party shall serve on all parties a copy of this Order as well as making service upon the Chief Clerk of the District Court of Nassau County and the Clerk of the Court of Suffolk County within 30 days from the date of this Order; and it is further

ORDERED that pursuant to 22NYCRR 202.8(f) the parties are directed to appear for a preliminary conference on December 14, 2007 at the Supreme Court Annex, DCM Part, Room 203A, One Court Street, Riverhead, New York at 10:00 a.m.

These two actions, arising out of the same motor vehicle accident, are identical in parties, issues and facts including the defendants and plaintiffs being the same or similar in both actions. Accordingly, the existence of common questions of law and fact (*see Eagle Pet Service Co., Inc. v Pacific Employers Ins. Co.*, 102 AD2d 810, 476 NYS2d 599 [2d Dept 1984]), the necessity to avoid unnecessary duplication of trials, the need to save unnecessary costs and expenses and to prevent any injustice which would result from divergent decisions based upon the same facts (*see Sokolow v Lacher*, 299 AD2d 64, 747 NYS2d 441 [1st Dept 2002]), warrant consolidation pursuant to CPLR 602(a).

The foregoing constitutes the decision and order of the court.

Dated:

11/16/07

HON. PAUL J. BAISLEY, JR.

HON. PAUL J. BAISLEY, JR., J.S.C.