

Grosso v Dulin

2015 NY Slip Op 30345(U)

March 10, 2015

Supreme Court, New York County

Docket Number: 156743/13

Judge: Debra A. James

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SUPREME COURT OF THE STATE OF NEW YORK – NEW YORK COUNTY

PRESENT: DEBRA A. JAMES

PART 59

Justice

VINCENT GROSSO and EMILY ALTCHILER, a minor by her Mother and Natural Guardian LAUREN ALTCHILER

Index No.: 156743/13

Motion Date: 02/19/15

Motion Seq. No.: 003

Motion Cal. No.:

Plaintiff,

- v -

TERENCE DULIN, PURITY FIRST HEALTH PRODUCTS, INC d/b/a HEALTHY LIFE CHEMISTRY, MIRA HEALTH MANUFACTURING, LLC and MIRA HEALTH PRODUCTS, LTD,

Defendants.

The following papers, numbered 1 to 1 were read on this motion to consolidate.

MOTION/CASE IS RESPECTFULLY REFERRED TO JUSTICE FOR THE FOLLOWING REASON(S):

Notice of Motion/Order to Show Cause -Affidavits -Exhibits
Answering Affidavits - Exhibits
Replying Affidavits - Exhibits

PAPERS NUMBERED

1

Cross-Motion: [] Yes [X] No

Upon the foregoing papers,

Parties to this action move to consolidate this action with the actions 1) Jennifer Deitch and Andrew Deitch v. Purity First Health Products, Inc., Mira Health MFG, LLC, Mira Health Products Ltd. and Terrence Dulin, Sup Ct, Suffolk County, Index No. 26831/2013; 2) William LeCluse, Meagan LeCluse, Diane Spira, Robert Soloff, Denise Ruszczyk and Nelson Wakefield v. Mira Health Products Ltd., Mira Health MFG, LLC, Purity First Health Products, Inc. and Terrence Dulin, D.C. Sup Ct, Queens County,

Check One: [X] FINAL DISPOSITION [] NON-FINAL DISPOSITION
Check if appropriate: [] DO NOT POST [] REFERENCE

Index No. 701617/2014; 3) Lois Morella and Dolores Rezza v. Mira Health Products Ltd., Mira Health MFG, LLC, Purity First Health Products, Inc. and Terrence Dulin, D.C., Sup Ct, Nassau County, Index No. 003523/2014; 4) Frances T. Ross and Robert Ross v. Mira Health Products Ltd., Mira Health MFG, LLC, Purity First Health Products, Inc. and Terrence Dulin D.C., Sup Ct, Nassau County, Index No. 604914/2014; 5) Nanine Cascella v. Purity First Health Products, Inc., Candice Tripp a/k/a Candice Dulin, Mira Health Products Ltd. and Michael Rango, Sup Ct, Nassau County, Index No. 199/2014; pursuant to CPLR §602(b) on the grounds that the cases have common questions of law and fact. Both actions arise out of the same circumstances and involve common questions of law and fact. Counsel for all of the parties have stipulated to the consolidation.

Accordingly, it is

ORDERED that the motion is GRANTED and the above-captioned action is consolidated in this Court with 1) Jennifer Deitch and Andrew Deitch v. Purity First Health Products, Inc., Mira Health MFG, LLC, Mira Health Products Ltd. and Terrence Dulin, Sup Ct, Suffolk County, Index No. 26831/2013; 2) William LeCluse, Meagan LeCluse, Diane Spira, Robert Soloff, Denise Ruszczyk and Nelson Wakefield v. Mira Health Products Ltd., Mira Health MFG, LLC, Purity First Health Products, Inc. and Terrence Dulin, D.C. Sup Ct, Queens County, Index No. 701617/2014; 3) Lois Morella and

Dolores Rezza v. Mira Health Products Ltd., Mira Health MFG, LLC, Purity First Health Products, Inc. and Terrence Dulin D.C., Sup Ct, Nassau County, Index No. 003523/2014; 4) Frances T. Ross and Robert Ross v. Mira Health Products Ltd., Mira Health MFG, LLC, Purity First Health Products, Inc. and Terrence Dulin D.C., Sup Ct, Nassau County, Index No. 604914/2014; 5) Nanine Cascella v. Purity First Health Products, Inc., Candice Tripp a/k/a Candice Dulin, Mira Health Products Ltd. and Michael Rango, Sup Ct, Nassau County, Index No. 199/2014; and the consolidated action shall bear the following caption:

VINCENT GROSSO and EMILY ALTCHILER, a minor by her Mother and Natural Guardian
 LAUREN ALTCHILER, JENNIFER DEITCH,
 ANDREW DEITCH, WILLIAM LECLUSE, MEAGAN
 LECLUSE, DIANE SPIRA, ROBERT SOLOFF,
 DENISE RUSZCZYK, NELSON WAKEFIELD, LOIS
 MORELLA, DOLORES REZZA, FRANCES T. ROSS,
 ROBERT ROSS and JANINE CASCELLA,

Plaintiffs,

- v -

Index No.: 155901/2013

TERENCE DULIN, PURITY FIRST HEALTH
 PRODUCTS, INC d/b/a HEALTHY LIFE
 CHEMISTRY, MIRA HEALTH MANUFACTURING,
 LLC and MIRA HEALTH PRODUCTS, LTD,
 CANDICE TRIPP a/k/a CANDICE DULIN
 and MICHAEL RANGO,

Defendants.

And it is further

ORDERED that the clerk of Supreme Court, Suffolk County, shall transfer the papers on file under Index No. 26831/2013 to the Clerk of this Court upon service of a certified copy of this order and payment of the appropriate fee, if any; and it is further

ORDERED that the clerk of Supreme Court, Queens County, shall transfer the papers on file under Index No. 701617/2014 to the Clerk of this Court upon service of a certified copy of this order and payment of the appropriate fee, if any; and it is further

ORDERED that the clerk of Supreme Court, Nassau County, shall transfer the papers on file under Index No. 003523/2014, Index No. 604914, and Index No. 199/14 to the Clerk of this Court upon service of a certified copy of this order and payment of the appropriate fee, if any; and it is further

ORDERED that the pleadings in the actions hereby consolidated shall stand as the pleadings in the consolidated action; and it is further

ORDERED that the movant is directed to serve a copy of this order with notice of entry on the County Clerk New York County (Room 141B), who shall consolidate the papers in the actions hereby consolidated and shall mark his records to reflect the consolidation; and it is further

ORDERED that the movant is directed to serve a copy of this order with notice of entry upon the General Clerk's Office New York County (60 Centre Street, Room 148), which is hereby directed to mark the court's records to reflect the consolidation; and it is further

ORDERED that the parties shall appear in IAS Part 59, 71 Thomas Street, New York, New York 10013, on April 21, 2015, 9:30 AM for a preliminary conference.

This is the decision and order of the court.

Dated: ~~MAR 10 2015~~

ENTER:

~~*[Signature]*~~
J.S.C.
DEBRA A. JAMES
J.S.C.