

<b>Ros v Allen</b>
2015 NY Slip Op 31119(U)
July 1, 2015
Supreme Court, New York County
Docket Number: 153560/2013
Judge: James A. Debra
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SUPREME COURT OF THE STATE OF NEW YORK – NEW YORK COUNTY

PRESENT: DEBRA A. JAMES
Justice

PART 59

BERNARD ROS and 110 MADISON CATERING, INC.
d/b/a MELI MELO,

Index No.: 153560/13

Plaintiffs,

Motion Date: 04/23/15

- v -

Motion Seq. No.: 02

ROBERT ALLEN, ANDREW POMERANCE, STEPHEN
MOCK ASSOCIATES INC., and JLNY GROUP LLC
d/b/a JERSEY LINK LLC,

Motion Cal. No.:

Defendants.

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

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

Table with 2 columns: PAPERS NUMBERED, 1

Cross-Motion: [ ] Yes [x] No

Upon the foregoing papers,

Plaintiffs BERNARD ROS and 110 MADISON CATERING, INC. d/b/a
MELI MELO moves to consolidate this action with the action
Bernard Ros and 110 Madison Catering, Inc. d/b/a MELI MELO
RESTAURANT v JENNY SERVICES, INC., JENNY EXHAUST SYSTEMS, INC.,
JENNY EXHAUST SYSTEM SERVICES INC., and LUND FIRE PRODUCTS, Sup
Ct, New York County, Index No. 153980/2013 pursuant to CPLR §602
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. The motion is

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

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

unopposed.

Accordingly, it is

ORDERED that the motion is GRANTED and the above-captioned action is consolidated in this Court with Bernard Ros and 110 Madison Catering, Inc. d/b/a MELI MELO RESTAURANT v JENNY SERVICES, INC., JENNY EXHAUST SYSTEMS, INC., JENNY EXHAUST SYSTEM SERVICES INC., and LUND FIRE PRODUCTS, Sup Ct, New York County, Index No. 153980/2013 and the consolidated action shall bear the following caption:

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

BERNARD ROS and 110 MADISON CATERING,  
INC. d/b/a MELI MELO,

Plaintiff,

- v -

Index No.: 153560/2013  
Action #1

ROBERT ALLEN, ANDREW POMERANCE,  
STEPHEN MOCK ASSOCIATES INC., and  
JLNY GROUP LLC d/b/a JERSEY LINK LLC,  
JENNY SERVICES, INC, JENNY EXHAUST  
SYSTEMS, INC., JENNY EXHAUST SYSTEM  
SERVICES INC., and LUND FIRE PRODUCTS,

Defendants.

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

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Tower National Insurance Company As  
Subrogee of 110 MADISON CATERING d/b/a  
MELI-MELO RESTAURANT,

Plaintiff,

- v -

Action #2

JENNY SERVICES, INC, JENNY EXHAUST  
SYSTEMS, INC., JENNY EXHAUST SYSTEM  
SERVICES INC., JENNY FIRE PREVENTION  
INC., LUND FIRE PRODUCTS, CO., INC.,  
MARYANN DEROSE DBA JENNY EXHAUST  
SYSTEMS, INC.

Defendants.

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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 plaintiffs in this action are directed to  
serve a copy of this order with notice of entry on the County  
Clerk (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 plaintiffs are directed to serve a copy of  
this order with notice of entry upon the General Clerk's Office  
(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 plaintiffs' time to file a note of issue is hereby extended until March 31, 2016; and it is further

ORDERED that the parties shall appear for a status conference on July 28, 2015 in Part 59, Room 103, 71 Thomas Street at 10:00 am.

This is the decision and order of the court.

Dated: JUL 01 2015

ENTER:

*[Handwritten Signature]*  
**DEBRA JAMES** J.S.C.  
**J.S.C.**