

Mor v Imbesi Law P.C.
2017 NY Slip Op 32937(U)
October 29, 2017
Supreme Court, New York County
Docket Number: 158193/2018
Judge: James E. d'Auguste
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SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK: PART 55

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ARIEL MOR, ESQ. (a/k/a/ ARI MOR, ESQ.)
individually; and ARI MORE ESQ., PC.,

DECISION AND ORDER
Index No. 158193/2018
Mot. Seq. No. 001

Plaintiffs,

-against-

IMBESI LAW P.C., VINCENT JAMES IMBESI;
BRITTANY SLOANE WEINER; and JOHN and JANE
DOES #1-100

First name of DEFENDANTS being fictitious and
Unknown to Plaintiff's and Persons intended to be added
Herein as Defendant(s)

Defendants.

-----X
Hon. James E. d'Auguste

Plaintiffs seek an order removing the summary non-payment proceeding entitled IMBESI LAW P.C., v. LAW OFFICES OF ARI MOR, ESQ., P.C., now pending in the Civil Court, New York County, under Index No. L&T 064133/18, and consolidating that proceeding with the instant action pursuant to CPLR 602(b). In opposition, defendants contend that their rights to an expeditious summary proceeding will be substantially prejudiced by removal of the non-payment action. As plaintiff has surrendered the premises, however, any potential prejudice raised in opposition to this motion by defendants has been ameliorated.

In accordance with the foregoing, it is hereby

ORDERED that Plaintiffs' motion to consolidate the above-captioned action with the action in the Housing Court entitled IMBESI LAW P.C., v LAW OFFICES OF ARI MOR, ESQ.,

P.C., now pending in the Civil Court, New York County, under Index No.: L&T 064133/18, is granted and the cases are consolidated under the index number 158193/2018; and it is further

ORDERED that, within 30 days from entry of this order, counsel for movant shall serve a certified copy of this order upon the Clerk of the Civil Court and shall contact the staff of the Clerk to arrange for the effectuation of this transfer in an efficient manner; and it is further

ORDERED that the Clerk of the Civil Court shall, upon such service and the payment of the appropriate fee, if any, transfer to this court all of the papers heretofore filed in said action in that Court; and it is further

ORDERED that the consolidated action shall bear the following caption:

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ARIEL MOR, ESQ. (a/k/a/ ARI MOR, ESQ.)
individually; and ARI MORE ESQ., PC.,

Index No. 158193/2018

Plaintiffs,

-against-

IMBESI LAW P.C., VINCENT JAMES IMBESI;
BRITTANY SLOANE WEINER; and JOHN and JANE
DOES #1-100

First name of DEFENDANTS being fictitious and
Unknown to Plaintiff's and Persons intended to be added
Herein as Defendant(s)

Defendants.
-----X

and it is further

ORDERED that the Clerk of this Court shall consolidate the documents transferred under the index number of the consolidated action; 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 Clerk of the Civil Court and the Clerk of this Court shall coordinate the transfer of the documents being transferred so as to ensure an efficient transfer and to minimize insofar as practical the reproduction of documents, including with regard to documents in digital format; and it is further

ORDERED that, as applicable and insofar as practical, the Clerk of this Court shall file the documents transferred from the Civil Court in the consolidated case file under the New York County Index Number thereof in the New York State Courts Electronic Filing System or make appropriate notations with regard to said documents in the e-filing records of the court so as to ensure access to the documents in the consolidated action; and it is further

ORDERED that, within 30 days from entry of this order, counsel for movant shall serve a copy of this order with notice of entry upon the Clerk of this Court (60 Centre Street, Room 141B) and the Clerk of the General Clerk's Office (60 Centre Street, Room 119), who shall mark their records to reflect this consolidation; and it is further

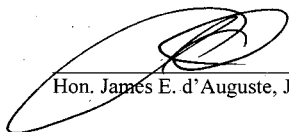
ORDERED that such service upon the Clerk of this Court and the Clerk of the General Clerk's Office shall be made in accordance with the procedures set forth in the *Protocol on Courthouse and County Clerk Procedures for Electronically Filed Cases* (accessible at the "E-Filing" page on the court's website at the address www.nycourts.gov/suptctmanh).

ORDERED that temporary stay of Civil Court proceedings issued by this Court on September 5, 2018 is lifted; and it is further

ORDERED that counsel for the parties are directed to appear for a preliminary conference on January 8, 2019 at 10:00AM in Room 122, 80 Centre Street, New York, New York.

This constitutes the decision and order of this Court.

Dated: October 29, 2017



Hon. James E. d'Auguste, J.S.C.