

**Goldshmidt v Gotlibovsky**

2018 NY Slip Op 30353(U)

February 23, 2018

Supreme Court, New York County

Docket Number: 156674/2015

Judge: James E. d'Auguste

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This opinion is uncorrected and not selected for official publication.

At an I.A.S. Part 55 of the Supreme Court of the State of New York, held in and for the County of New York, at the Courthouse, located at 80 Centre Street, Borough of New York, City and State of New York, on the 23<sup>rd</sup> day of February, 2018

**PRESENT:**

**HON. JAMES E. d'AUGUSTE, J.S.C.**

\_\_\_\_\_

ANNA GOLDSHMIDT and ELAN STRATT,

Mot. Seq. # 003

Plaintiffs,

-against-

Index No.:

VLADIMIR GOTLIBOVSKY,

156674/2015

Defendant.

\_\_\_\_\_

VLADIMIR GOTLIBOVSKY,

Defendant/Third-Party Plaintiff,

-against-

HLT NY WALDORF LLC d/b/a WALDORF ASTORIA NEW YORK, WALDORF ASTORIA MANAGEMENT LLC and ANBANG INSURANCE GROUP CO., LTD.,

Third-Party Defendants.

Papers Numbered

The following papers numbered 1 to 2 were read on this motion to consolidate.  
Notice of Motion and Affirmation \_\_\_\_\_

1, 2 (Exs. A-J)

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

Upon the foregoing papers, the movant has adequately demonstrated that the subject cases arise from the same circumstances, involve common questions of law and fact, and, therefore, consolidation for purposes of joint trial is appropriate in the interest of judicial economy. CPLR 602(a).

Accordingly, it is hereby:

ORDERED that the unopposed motion of HLT NY WALDORF LLC and WALDORF ASTORIA MANAGEMENT LLC for an order, pursuant to CPLR 602(a), directing consolidation of this action with another related action is granted; and it is further,

ORDERED that the above-captioned action (Action No. 1) is consolidated for purposes of joint trial in this Court with INNA GOLDSHMIDT and ALEXSANDR GOLDSHMIDT v. VLADIMIR GOTLIBOVSKY, FELIX GOTLIBOVSKY, SOFIA GOTLIBOVSKY, MAYA GOTLIBOVSKY, MVG TRUST, FRANK M. GOTLIBOVSKY, individually and as Trustee of MVG Trust, and BIANCA G. GOTLIBOVSKY, individually and as Trustee of MVG Trust, Index No. 156715/2017, VLADIMIR GOTLIBOVSKY, MVG TRUST, FRANK M. GOTLIBOVSKY, individually and as Trustee of MVG Trust, and BIANCA G. GOTLIBOVSKY, individually and as Trustee of MVG Trust v. HLT NY WALDORF LLC d/b/a WALDORF ASTORIA NEW YORK, and WALDORF ASTORIA MANAGEMENT LLC, Third-Party Index No. 59776/2017, and HLT NY WALDORF LLC d/b/a WALDORF ASTORIA NEW YORK, and WALDORF ASTORIA MANAGEMENT LLC v. INNA GOLDSHMIDT, Second Third-Party Index No. pending (Action No. 2), each action shall retain its own index number, notes of issue and judgments shall be separately filed, and the order in which the parties open and close shall be determined by the Justice presiding over the joint trial; and it is further,

ORDERED that upon consolidating the above actions for joint trial, any additional filings shall bear the following caption:

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

ANNA GOLDSHMIDT and ELAN STRATT,

Plaintiffs,

Action No. 1

-against-

Index No.:

VLADIMIR GOTLIBOVSKY,

156674/2015

Defendant.

VLADIMIR GOTLIBOVSKY,  
 Defendant/Third-Party Plaintiff,  
 -against-  
 HLT NY WALDORF LLC d/b/a WALDORF ASTORIA NEW  
 YORK, WALDORF ASTORIA MANAGEMENT LLC and  
 ANBANG INSURANCE GROUP CO., LTD.,  
 Third-Party Defendants.

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

INNA GOLDSHMIDT and ALEXSANDR GOLDSMIDT,  
 Plaintiffs,

Action No. 2  
 Index No.:  
 156715/2017

-against-  
 VLADIMIR GOTLIBOVSKY, FELIX GOTLIBOVSKY, SOFIA  
 GOTLIBOVSKY, MAYA GOTLIBOVSKY, MVG TRUST,  
 FRANK M. GOTLIBOVSKY, individually and as Trustee of  
 MVG Trust, and BIANCA G. GOTLIBOVSKY, individually and  
 as Trustee of MVG Trust,

Defendants.

VLADIMIR GOTLIBOVSKY, MVG TRUST, FRANK M.  
 GOTLIBOVSKY, individually and as Trustee of MVG Trust,  
 and BIANCA G. GOTLIBOVSKY, individually and as Trustee of  
 MVG Trust,

Third-Party  
 Index No.  
 59776/2017

Defendants/Third-Party Plaintiffs,

-against-  
 HLT NY WALDORF LLC d/b/a WALDORF ASTORIA NEW  
 YORK, and WALDORF ASTORIA MANAGEMENT LLC,  
 Third-Party Defendants.

HLT NY WALDORF LLC d/b/a WALDORF ASTORIA NEW  
 YORK, and WALDORF ASTORIA MANAGEMENT LLC,

Second  
 Third-Party  
 Index No.

Second Third-Party Plaintiffs,

-against-  
 INNA GOLDSHMIDT,

Second Third-Party Defendant.

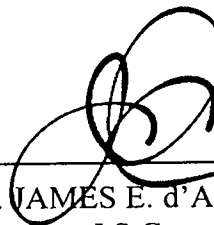
And it is further,

ORDERED that movant is directed to serve a copy of this order with notice of entry on the County Clerk (Room 141B), in accordance with the e-filing protocol, who shall mark the records to reflect the consolidation for the purpose of joint trial; and it is further,

ORDERED that movant is directed to serve a copy of this order with notice of entry on the Clerk of the Trial Support Office (Room 158), in accordance with the e-filing protocol, who is hereby directed to mark the Court's records to reflect the consolidation for joint trial.

This constitutes the order of this Court.

ENTER,



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HON. JAMES E. d'AUGUSTE  
J.S.C.