

Spain v Teitlebaum

2018 NY Slip Op 31343(U)

May 17, 2018

Supreme Court, Queens County

Docket Number: 705761/17

Judge: Allan B. Weiss

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This opinion is uncorrected and not selected for official publication.

Short Form Order

NEW YORK SUPREME COURT - QUEENS COUNTY

Present: Honorable, ALLAN B. WEISS IAS PART 2
Justice

VALARIE SPAIN,

Plaintiff,

-against-

JOSEPH TEITLEBAUM, FRANCES MILLER
and MICHAEL HAWKINS,

Defendants.

Index No.: 705761/17

Motion Date: 5/16/18

Motion Seq. No.: 2

JOSEPH TEITLEBAUM and FRANCES MILLER

Third-party Plaintiffs

-against-

CHRISTOPHER SPAIN

Third-party Defendant

The following numbered papers read on this motion by defendants, Teitlebaum and Miller, for leave to reargue the prior motion and cross-motion for an Order removing the action pending in the Civil Court of the City of New York, Kings County under Kings County Civil Court Index No. 2440/17 and also removing the action pending in the Supreme Court, Kings County under Index No. 522060/17 to the Supreme Court of Queens County and upon removal combining them with the above captioned action for joint trial and joint discovery.

PAPERS
NUMBERED

Notice of Motion-Affidavits-Exhibits	1 - 4
Answering Affidavits-Exhibits.....	

Upon the foregoing papers it is ordered that this motion for leave to reargue is granted without opposition as follows.

Upon reargument the prior order of the court dated March 5, 2018 and entered on March 14, 2018 is vacated and the following is substituted in its place.

The action pending in the Supreme Court, Kings County under Index No. 522060/17 and the action pending in the Civil Court of the City of New York, Kings County under Kings County Civil Court Index No. 2440/17 shall be removed to the Supreme Court, Queens County and upon removal and after a Supreme Court Index Number is assigned to each action removed they shall be combined with the above captioned action for joint trial of the issue of liability.

Although combined for joint trial of liability, the caption of each action remains unchanged.

The actions shall remain separate actions for all other purposes. Motions are not to be made under a joint caption, but under the index number and caption to which the motion pertains except that a motion for summary judgment on the issue of liability shall be made upon notice to all parties in all actions.

A separate index number and note of issue shall be filed for each action.

The titles and index numbers of the actions to be jointly tried are as follows.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF QUEENS

VALARIE SPAIN,

Index No.: 705761/17

Plaintiff,

-against-

JOSEPH TEITLEBAUM, FRANCES MILLER
and MICHAEL HAWKINS,

Defendants.

JOSEPH TEITLEBAUM and FRANCES MILLER

Third-party Plaintiffs

-against-

CHRISTOPHER SPAIN

Third-party Defendant

AND

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF QUEENS

ALLSTATE FIRE AND CASUALTY INSURANCE
COMPANY as Subrogee of FRANCES MILLER

Plaintiff

Index No. TO BE ASSIGNED

-against-

CHRISTOPHER SPAIN and MICHAEL HAWKINS

Defendants

AND

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF QUEENS

CHRISTOPHER SPAIN

Plaintiff

Index No. TO BE ASSIGNED

-against-

FRANCES MILLER and JOSEPH TEITLEBAUM

Defendants

The moving parties shall, within 30 days of entry of this Order, serve a copy of this Order with notice of entry, upon all parties to the actions combined, the Clerk of Queens County, the Clerk of the Civil Court, Kings County, the Clerk of the Supreme Court, Kings County and at the time of filing of the Note of Issue in one of the three cases upon the Clerk of the Trial Scheduling Part.

Upon being served with a copy of this Order, and payment of the applicable fees, if any, the Clerk of the Civil Court, Kings County and the Clerk of the Supreme Court, Kings County, shall forthwith transfer the papers on file in the action bearing Kings County Civil Court Index No. 2440/17 and the action having Supreme Court, Kings County Index No. 522060/17 to the Clerk of the Supreme Court, Queens County who shall then assign the cases removed a Supreme Court Index Number.

After assignment of a Supreme Court Index Number to each case removed, the moving parties, shall purchase an RJI in the removed actions for assignment to an IAS Part and scheduling a preliminary conference.

A copy of this Order shall also be annexed to the Note of Issue at the time of the filing of the Note of Issue in a case.

A copy of this Order is being mailed to the attorneys for the movants.

Dated: May 17, 2018
D# 58

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J.S.C.

FILED
MAY 22 2018
COUNTY CLERK
QUEENS COUNTY