

Mayfield v Temana Assoc. Inc.
2018 NY Slip Op 31840(U)
August 2, 2018
Supreme Court, New York County
Docket Number: 155590/2017
Judge: Adam Silvera
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**SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY**

PRESENT: HON. ADAM SILVERA PART **IAS MOTION 22**

Justice

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INDEX NO. 155590/2017

KEIARRI MAYFIELD,

MOTION DATE 07/25/2018

Plaintiff,

MOTION SEQ. NO. 002

- v -

TEMANA ASSOCIATES INC.,ASHANI BELL, QUINTANA BOND

DECISION AND ORDER

Defendant.

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The following e-filed documents, listed by NYSCEF document number (Motion 002) 18, 19, 20, 21, 22 were read on this motion to/for MODIFY ORDER/JUDGMENT.

Upon the foregoing documents, it is ordered that defendants Temana Associates, Inc. and Ashani Malachi Bell’s motion to modify this Court’s prior Decision/Order, dated April 27, 2018, is granted without opposition, and such Decision/Order is amended as follows:

The motion for consolidation, by defendants Temana Associates, Inc. and Ashani Malachi Bell, is granted. Defendants move to consolidate this motor vehicle accident case with another action, commenced by plaintiff in this case Keiarri Mayfield. Defendant argues that the two actions arise out of the same accident and have common parties. CPLR §602(a) states that “[w]hen actions involving a common question of law or fact are pending before a court, the court, upon motion...may order the actions consolidated.” Plaintiff does not oppose the motion. This action, for personal injuries resulting from a motor vehicle accident, involves the same or overlapping injuries in plaintiff’s personal injury action entitled “Quintana C. Bond and D.B., an infant by her mother and natural guardian, Quintana C. Bond, and Quintana C. Bond, Individully v Temana Associates, Inc., and Ashani M. Bell”, filed in the Supreme Court for the State of New York, Bronx County, under index no. 26847/17E. As there are common facts pending in both cases, defendant’s motion to consolidate is granted to the extent that these actions are joined for

discovery and trial. Each action shall maintain separate pleadings, captions, and index numbers, with separate certificates of readiness and notes of issue.

Accordingly, it is

ORDERED that the motion is granted and the action Quintana C. Bond and D.B., an infant by her mother and natural guardian, Quintana C. Bond, and Quintana C. Bond, Individually v Temana Associates, Inc., and Ashani M. Bell, Index No. 26847/17E, pending in the Supreme Court, Bronx County, shall be consolidated in this Court with Keiarri Mayfield v Temana Associates, Inc. Ashani Malachi Bell and Quintana Bond, Index No. 155590/17, New York County; and it is further

ORDERED that said Supreme Court, Bronx County action shall be consolidated with this action as indicated above, and the County Clerk to issue a separate index number to the Bronx County action, upon service and the payment of any fees; and it is further

ORDERED that the caption of the consolidated action shall be the following:

KEIARRI MAYFIELD,
Plaintiff,
-against- Action No. 1
Index No. 155590/17

TEMANA ASSOCIATES, INC. ASHANI
MALACHI BELL and QUINTANA BOND,
Defendants.

QUINTANA C. BOND and D.B., an infant
by her mother and natural guardian,
QUINTANA C. BOND, and QUINTANA
C. BOND, Individually,
Plaintiffs,
-against- Action No. 2
Index No.

TEMANA ASSOCIATES INC. and
ASHANI M. BELL,
Defendants.

And it is further

ORDERED that, within 30 days from entry of this order, counsel for the movant shall serve a certified copy of this order upon the Clerk of the Supreme Court, Bronx County, and shall pay the appropriate fee, if any, for such transfer and shall contact the staff of said Clerk to arrange for the effectuation of the transfer in an efficient manner; and it is further

ORDERED that service upon the Clerk of the Supreme Court, Bronx County shall be made in accordance with any applicable protocol or other procedures of said county; and it is further

ORDERED that the Clerk of the Supreme Court, Bronx County, shall transfer the documents on file under Index No. 26847/17 to the Clerk of this Court for the purpose of consolidation; and it is further

ORDERED that the Clerk of the Supreme Court, Bronx County 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 such documents, including with regard to any documents that may be in digital format; 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, within 30 days from entry of this order, movant shall serve a copy of this order with notice of entry on the Clerk of the Court (60 Centre Street, Room 141 B), who shall consolidate the documents in the actions hereby consolidated and shall mark his records to reflect the consolidation; and it is further

ORDERED that such service upon the Clerk of the Court shall be made in hard-copy format if the case pending in this county is a hard-copy case or, if this case is an e-filed one, 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 this court's website at the address www.nycourts.gov/suptctmanh); and it is further

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

ORDERED that, within 30 days from entry of this order, movant shall serve a copy of this order with notice of entry upon the Clerk of the General Clerk's Office (60 Centre Street, Room 119), who is hereby directed to reflect the consolidation by appropriately marking the court's records; and it is further

ORDERED that such service upon the Clerk of the General Clerk's Office shall be made in hard-copy format if the case pending in this county is a hard-copy case or, if the case pending here is an e-filed one, shall be made in accordance with the procedures set forth in the aforesaid *Protocol*; and it is further

ORDERED that counsel are directed to appear for a compliance conference in Room 103 of 80 Centre Street, New York, New York, on September 21, 2018, at 9:30 AM.

This constitutes the Decision/Order of the Court.



8/2/2018
DATE

ADAM SILVERA, J.S.C.

CHECK ONE:

<input type="checkbox"/>	CASE DISPOSED
<input checked="" type="checkbox"/>	GRANTED
<input type="checkbox"/>	DENIED
<input type="checkbox"/>	SETTLE ORDER
<input type="checkbox"/>	INCLUDES TRANSFER/REASSIGN

<input checked="" type="checkbox"/>	NON-FINAL DISPOSITION
<input type="checkbox"/>	GRANTED IN PART
<input type="checkbox"/>	SUBMIT ORDER
<input type="checkbox"/>	FIDUCIARY APPOINTMENT
<input type="checkbox"/>	OTHER
<input type="checkbox"/>	REFERENCE

APPLICATION:

CHECK IF APPROPRIATE: