

Wesco Ins. Co. v Coutinho

2018 NY Slip Op 32021(U)

August 20, 2018

Supreme Court, New York County

Docket Number: 155487/2018

Judge: David B. Cohen

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This opinion is uncorrected and not selected for official publication.

SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY

PRESENT: HON. DAVID BENJAMIN COHEN PART IAS MOTION 58EFM

Justice

-----X

WESCO INSURANCE COMPANY,
Plaintiff,

- v -

ADRIANO COUTINHO, FLEET-CAR LEASE, INC., KALA LANE,
EAN HOLDINGS, LLC, KERRY MATTE

Defendant.

INDEX NO. 155487/2018
MOTION DATE 07/10/2018
MOTION SEQ. NO. 001

DECISION AND ORDER

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The following e-filed documents, listed by NYSCEF document number (Motion 001) 6, 7, 8, 9, 10, 15
were read on this motion to/for CONSOLIDATE/JOIN FOR TRIAL.

Upon the foregoing documents, it is

ORDERED that the motion is granted and this action, pending in the Supreme Court, New
York County, shall be consolidated in in Supreme Court, Monroe County with Lane v. Coutinho
and Fleet-Car Lease, Inc., Index No. E2017001056, Monroe County; and it is further

ORDERED that the consolidation shall take place under Monroe County Index No.
E2017001056 and the consolidated action shall bear the following caption:

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF MONROE

-----X

Kala Lane,

Plaintiff,

Action No. 1
Index No. E2017001056

-against-

Adriano Coutinho and Fleet Car Lease, Inc.,

Defendants.

-----X

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF MONROE

-----X
Wesco Insurance Company, as subrogee of
Northern Express, LLC, subrogor,

Plaintiff,

Action No. 2

-against-

Adriano Coutinho, Fleet Car Lease, Inc., Kala Vernice
Lane, EAN Holdings, LLC and Kerry R. Matte,

Defendants.
-----X

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, New York 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, New York 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, New York County, shall transfer the documents on file under Index No. 155487/2018 to the Clerk of the Court in the County of Monroe for the purpose of consolidation; and it is further

ORDERED that the Clerk of this Court and the Clerk of the Supreme Court, County of Monroe, 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), and the Clerk of the Court in Monroe County, who shall consolidate the documents in the actions hereby consolidated and shall mark its records to reflect the consolidation; and it is further

ORDERED that such service upon the Clerks of the respective Courts shall be made in hard-copy format if the case pending in Monroe 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/supctmanh); and it is further


ORDERED that, as applicable and insofar as is practical, the Clerk of the Court in Monroe County shall file the documents transferred from this Court in the consolidated case file under the Monroe 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 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, 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) and the Clerk of Monroe County, 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 respective Clerks of the General Clerk's Offices shall be made in hard-copy format if the case pending Monroe 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*.

8/20/2018
DATE



DAVID BENJAMIN COHEN, J.S.C.

CHECK ONE:

CASE DISPOSED
GRANTED
SETTLE ORDER
INCLUDES TRANSFER/REASSIGN

DENIED

NON-FINAL DISPOSITION
GRANTED IN PART
SUBMIT ORDER
FIDUCIARY APPOINTMENT

OTHER

REFERENCE

**HON. DAVID B. COHEN
J.S.C.**