

Wilson v Metropolitan Transp. Auth.

2018 NY Slip Op 32728(U)

October 25, 2018

Supreme Court, New York County

Docket Number: 156643/2017

Judge: Lisa A. Sokoloff

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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. LISA ANN SOKOLOFF

PART IAS MOTION 21EFM

Justice

-----X

SHIRLEY WILSON,

INDEX NO. 156643/2017

Plaintiff,

MOTION DATE 06/27/2018

- v -

MOTION SEQ. NO. 001

METROPOLITAN TRANSPORTATION AUTHORITY, NEW YORK
CITY TRANSIT AUTHORITY, MANHATTAN AND BRONX
SURFACE TRANSIT OPERATING AUTHORITY, INIABASI ETUK,
ANDREA CALLENDER, CLEVELAND KELLEY

**DECISION AND ORDER
(Action #1)**

Defendant.

-----X

MILDRED BEAUVAIS,

Plaintiff(s),

Index No. 157378/2017

-against-

(Action #2)

**CLEVELAND KELLEY, ANDREA CALLENDER, INIABASI ETUK,
NEW YORK CITY TRANSIT AUTHORITY, THE METROPOLITAN
TRANSPORTATION AUTHORITY**

Defendant(s).

-----X

DANELLA CLARK,

Plaintiff(s),

Index No. 159486/2017

-against-

(Action #3)

**NEW YORK CITY TRANSIT AUTHORITY, INIABASI ETUK,
ANDREA CALLENDER, CLEVELAND KELLEY**

Defendant(s).

-----X

CLEVELAND KELLEY,

Plaintiff(s),

Index No. 150421/2018

-against-

(Action #4)

**THE NEW YORK CITY TRANSIT AUTHORITY, MABSTOA,
METROPOLITAN TRANSIT AUTHORITY, THE MTA BUS
COMPANY, INIABASI ETUK**

Defendant(s).

-----X

And

**SUPREME COURT STATE OF NEW YORK
COUNTY OF BRONX**

-----X

JENEE WARING,

Plaintiff(s),

Index. No. 29156/2017E

-against-

(Action #5)

**NEW YORK CITY TRANSIT AUTHORITY, INIABASI M. ETUK,
CLEVELAND G. KELLY and ANDREA D. CALLENDER,**

Defendant(s).

X

The following e-filed documents, listed by NYSCEF document number (Motion 001) 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33

were read on this motion to/for CONSOLIDATE/JOIN FOR TRIAL.

Upon the motion of Defendants New York City Transit Authority and Etuk to consolidate or join for trial and discovery the five actions arising out of the November 10, 2016, two vehicle accident between a 2014 Nissan Sedan owned by Defendant Andrea Callendar and operated by Defendant Cleveland Kelley and the 2010 Nova bus owned by Defendant New York City Transit Authority and operated by Defendant Iniabasi M. Etuk on East 125th Street near its intersection with Madison Avenue, in Manhattan, and upon the foregoing documents, it is

ORDERED that the motion to consolidate is granted to the extent that the action Jenee Waring vs. NYCTA, et al. , Index No.29156/2017 , pending in the Supreme Court, Bronx County, shall be consolidated in this Court with the actions of Shirley Wilson vs. MTA, et al. , Index No. 156643/2017; Mildrew Beauvais vs. Cleveland Kelley, et al., Index No. 157378/2017; and Danella Clark vs. NYCTA, et al., Index No. 159486/2017; all pending in New York County; and it is further

ORDERED that the consolidation shall take place under New York County Index No. 156643/2017 and the consolidated action shall bear the following caption:

Shirley Wilson, Mildrew Beauvais,
Danella Clark and Jenee Waring,
Plaintiffs,

-against-

METROPOLITAN TRANSPORTATION AUTHORITY,
NEW YORK CITY TRANSIT AUTHORITY,
MANHATTAN AND BRONX SURFACE TRANSIT OPERATING
AUTHORITY, INIABASI M. ETUK, ANDREA D. CALLENDER
and CLEVELAND G. KELLEY,

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. 29156/2017 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/supctmanh); and it is further

ORDERED that, as applicable and insofar as is 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 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), 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 the action of Cleveland G. Kelley vs. The New York City Transit Authority, MABSTOA, Metropolitan Transit Authority, The MTA Bus Company and Iniabasi M. Etuk, Index. 150421/2018, hereby shall be and is joined for purposes of discovery and trial with the consolidated action of Wilson, Beauvais, Clark and Waring vs. MTA, NYCTA, et al., Index No. 156643/2017; and it is further

ORDERED that upon receipt of this order with notice of entry the Clerk of the Court (60 Centre Street, Room 141 B), and the Clerk of the General Clerk's Office (60 Centre Street, Room 119), are directed to mark their records to reflect the joinder for purposes of discovery and trial in the court's records; and it is further

ORDERED that counsel are directed to appear for a discovery conference in Part 21, Room 279, 80 Centre Street, New York, New York, on December 20, 2018, at 9:30 AM.

10/252018
DATE

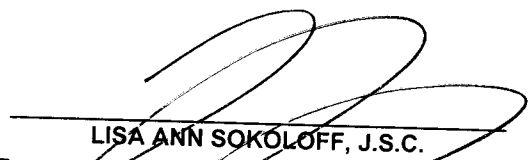
CHECK ONE:

APPLICATION:

CHECK IF APPROPRIATE:

- CASE DISPOSED
- GRANTED DENIED
- SETTLE ORDER
- INCLUDES TRANSFER/REASSIGN

- NON-FINAL DISPOSITION
- GRANTED IN PART OTHER
- SUBMIT ORDER
- FIDUCIARY APPOINTMENT REFERENCE


LISA ANN SOKOLOFF, J.S.C.

