

Burgos v GTL Constr., LLC.
2018 NY Slip Op 33156(U)
December 7, 2018
Supreme Court, New York County
Docket Number: 154328/2017
Judge: David Benjamin Cohen
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**SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY**

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

Justice

-----X

ARMANDO BURGOS,

Plaintiff,

- v -

GTL CONSTRUCTION, LLC., ASHKENAZY ACQUISITION
CORP., AAC CROSS COUNTY MALL, LLC.,

Defendant.

INDEX NO. 154328/2017

MOTION DATE 08/15/2018

MOTION SEQ. NO. 002

DECISION AND ORDER

-----X

The following e-filed documents, listed by NYSCEF document number (Motion 002) 41, 42, 43, 44
were read on this motion to/for CONSOLIDATE/JOIN FOR TRIAL.

Upon the foregoing documents:

Plaintiff Armando Burgos moves, pursuant to CPLR 602, for an order
consolidating the action at bar with *Burgos v Benco Construction, Inc. (Benco
Construction* action), bearing Supreme Court, New York County, index no. 154571/2018,
for all purposes.

Consolidation for all purposes is granted without opposition in this action and in
accordance with the decision and order of this date issued in the *Benco Construction*
action.

Accordingly, it is

ORDERED that the motion to consolidate the action captioned *Burgos v GTL
Construction, LLC, et al.* is granted and that action is consolidated in this court with the
action captioned *Burgos v Benco Construction Inc.*, bearing index no. 154571/2018,
pending before this court; and it is further

ORDERED that the consolidation shall take place under index no. 154328/2017

and that the consolidated action shall bear the following caption:

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

-----X
ARMANDO BURGOS,

Plaintiff,

-against-

Index No. 154328/2017

GTL CONSTRUCTION, LLC, ASHKENAZY
ACQUISITION CORP., AAC CROSS COUNTY
MALL, LLC, and BENCO CONSTRUCTION INC.,

Defendants.

-----X
GTL CONSTRUCTION LLC,

Third-Party Plaintiff,

-against-

WESBUILT CONSTRUCTION MANAGERS LLC
and FORCE SERVICES, LLC,

Third-Party Defendants.

-----X;

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

141B), 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 counsel for movant shall contact the staff of the Clerk of the Court to arrange for the effectuation of the consolidated hereby directed; and it is further

ORDERED that service of this order upon the Clerk of the Court shall be made in hard-copy format, if this action is a hard-copy matter, or, if it is an e-filed case, 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 the 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 shall file the documents being consolidated in the consolidated case file under the index number of the consolidated action in the New York State Courts Electronic Filing System or make appropriate notations to such documents in the e-filing records of this court so as 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 on 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 this action is a hard-copy matter, or, if it an e-filed case, 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 preliminary conference in
Room 574, 111 Centre Street, New York, NY, on February 20, 2019, at 9:30 a.m.

<u>12/7/2018</u>			
DATE		DAVID BENJAMIN COHEN, J.S.C.	
CHECK ONE:	☐ CASE DISPOSED	☒ NON-FINAL DISPOSITION	
	☒ GRANTED ☐ DENIED	☐ GRANTED IN PART	☐ OTHER
APPLICATION:	☐ SETTLE ORDER	☐ SUBMIT ORDER	
CHECK IF APPROPRIATE:	☐ INCLUDES TRANSFER/REASSIGN	☐ FIDUCIARY APPOINTMENT	☐ REFERENCE

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