

Hudson Meridian Constr. Group, LLC v 18 E. 59th St. Realty LLC
2019 NY Slip Op 30914(U)
April 1, 2019
Supreme Court, New York County
Docket Number: 655487/2016
Judge: Andrew Borrok
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SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY

PRESENT: HON. ANDREW BORROK PART IAS MOTION 53EFM

Justice

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INDEX NO. 655487/2016

HUDSON MERIDIAN CONSTRUCTION GROUP, LLC,

MOTION DATE 04/01/2019

Plaintiff,

MOTION SEQ. NO. 003 004

- v -

118 EAST 59TH STREET REALTY LLC,CROWNE ARCHITECTURAL SYSTEMS, INC.,MILLER DRUCK SPECIALTY CONTRACTING, INC.,P.C. RICHARD & SON LONG ISLAND CORP., RED HOOK CONSTRUCTION GROUP II, LLC,TETRA TECH ENGINEERS, ARCHITECTS & LANDSCAPE ARCHITECTS, P.C. D/B/A COSENTINI ASSOCIATES, THYSSENKRUPP ELEVATOR CORP.

DECISION AND ORDER

Defendant.

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The following e-filed documents, listed by NYSCEF document number (Motion 003) 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80

were read on this motion to/for DISMISSAL

The following e-filed documents, listed by NYSCEF document number (Motion 004) 82, 83, 84, 85, 86, 87, 88, 89

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

This is an action brought by Hudson Meridian Construction Group, LLC (Hudson Meridian) against 118 East 59th Street Realty LLC (118 East 59th) to recover damages for breach of contract, account stated, quantum meruit, wrongful termination of contract, and lien foreclosure. 118 East 59th moved pursuant to CPLR 3211 [a] [10] to have the instant matter dismissed (Mtn. Seq. No. 3) for failure to join a necessary party (i.e., Gorton & Partners, LLC (Gorton)). Hudson Meridian opposes the motion and also separately moved by order to show cause to have Gorton & Partners, LLC d/b/a Colliers Intl. NY LLC v 118 East 59th Street Realty LLC, New York County Index No. 158361/2018 (the Gorton Action) consolidated with and into this lawsuit.

1. Inasmuch as the order to show cause seeking consolidation of the Gorton Action with and into this lawsuit is unopposed, it is granted on default without opposition (*See* CPLR 602 [a]).

2. 118 East 59th's motion to dismiss pursuant to CPLR 3211 [a] [10] premised on Hudson Meridian's failure to join Gorton is denied as moot.

Accordingly, it is

ORDERED that defendant 118 East 59th's motion to dismiss (mtn. seq. no. 003) is denied; and it is further

ORDERED that Hudson Meridian's application for consolidation (mtn. seq. no. 004) is granted and *Gorton & Partners, LLC d/b/a Colliers Intl. NY LLC v 118 East 59th Street Realty LLC*, Index No. 158361/2018, pending in the Supreme Court, New York County is consolidated with and into this action; and it is further

ORDERED that the consolidation shall take place under Index No. 655487/2016 and the consolidated action shall bear the following caption:

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

HUDSON MERIDIAN CONSTRUCTION GROUP, LLC,

Plaintiff(s),

-against-

118 EAST 59TH STREET REALTY LLC, CROWNE ARCHITECTURAL SYSTEMS, INC., MILLER DRUCK SPECIALTY CONTRACTING, INC., P.C. RICHARD & SON LONG ISLAND CORP., RED HOOK CONSTRUCTION GROUP II, LLC, TETRA TECH ENGINEERS, ARCHITECTS & LANDSCAPE ARCHITECTS, P.C. D/B/A COSENTINI ASSOCIATES, THYSSENKRUPP ELEVATOR CORP.

Defendant(s).

-----X

GORTON & PARTNERS, LLC D/B/A COLLIERS INTERNATIONAL NY LLC

Plaintiff(s),

-against-

118 EAST 59TH STREET REALTY LLC,

Defendant(s).

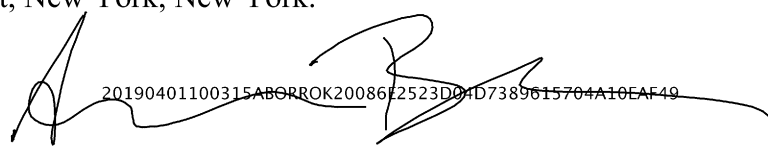
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ORDERED that service of this order upon the Clerk of the Court shall be made in accordance with the procedures set forth in the *Protocol on Courthouse and County Clerk Procedures for Electronically Filed Cases* (accessible at the “E-Filing” page on the court’s website at the address www.nycourts.gov/supctmanh); and it is further

ORDERED that, 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 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 on April 15, 2019 at 9:30 am in Room 238, 60 Centre Street, New York, New York.



20190401100315ABORROK20086E2523D04D7389615704A10EAF49

4/1/2019
DATE

ANDREW BORROK, J.S.C.

CHECK ONE:

<input type="checkbox"/>	CASE DISPOSED	<input checked="" type="checkbox"/>	NON-FINAL DISPOSITION
<input type="checkbox"/>	GRANTED	<input type="checkbox"/>	DENIED
<input type="checkbox"/>	SETTLE ORDER	<input checked="" type="checkbox"/>	GRANTED IN PART
<input type="checkbox"/>	INCLUDES TRANSFER/REASSIGN	<input type="checkbox"/>	SUBMIT ORDER
		<input type="checkbox"/>	FIDUCIARY APPOINTMENT
		<input type="checkbox"/>	REFERENCE

APPLICATION:

CHECK IF APPROPRIATE: