

Avetisian v City of New York

2019 NY Slip Op 31136(U)

April 19, 2019

Supreme Court, New York County

Docket Number: 155981/2018

Judge: Lyle E. Frank

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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. LYLE E. FRANK PART IAS MOTION 52EFM

Justice

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ELENA AVETISIAN, BENNACEUR DEGAICHIA,

Plaintiff,

- v -

THE CITY OF NEW YORK, RICHARD ROJAS,

Defendant.

INDEX NO. 155981/2018

MOTION DATE 04/09/2019

MOTION SEQ. NO. 001

DECISION AND ORDER

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The following e-filed documents, listed by NYSCEF document number (Motion 001) 9, 10, 11, 12, 13, 14, 15, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26

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

Upon the foregoing documents, defendant's, Richard Rojas, motion to consolidate for joint trial and discovery is granted without opposition.

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ELENA AVETISIAN and BENNACEUR DEGAICHIA,

Plaintiffs,

-against-

THE CITY OF NEW YORK and RICHARD ROJAS,

Defendants.

Action 1
Index No.: 155981/2018

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THOMAS ELSMAN, as Representative of the Estate of
ALYSSA ELSMAN, DECEASED, THOMAS ELSMAN,
As Parent and Natural Guardian of A.E., an infant, and,
THOMAS ELSMAN, Individually, DESTINY LIGHTFOOT
CAROLINE JOHNS, GAYATRI JARIWALA, SHAHIL
JARIWALA, WILLIAM MCCOLLOUGH, and
CATHERINE MCCOLLOUGH,

Plaintiffs,

-against-

RICHARD ROJAS, THE CITY OF NEW YORK, THE
CITY OF NEW YORK DEPARTMENT OF TRANSPORTATION
and THE NEW YORK CITY POLICE DEPARTMENT,

Defendants.

Action 2
Index No.:157085/2018

JESSICA ANN WILLIAMS and WILLIAM K. NELSON,
Plaintiffs,

Action 3
Index No.: 157544/2018

-against-

THE CITY OF NEW YORK, THE TIME SQUARE
BUSINESS IMPROVEMENT DISTRICT COMMITTEE,
INC. d/b/a TIME SQUARE ALLIANCE, and RICHARD
ROJAS,
Defendants.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF QUEENS

THOMAS HENRY,
Plaintiff,

Action 4
Index No.: 709324/2017

-against-

RICHARD ROJAS,
Defendant.

ORDERED that the above actions shall be consolidated for joint trial and discovery. Each
action shall retain its individual index number, and separate bill of costs; and it is further

ORDERED that upon payment of the appropriate calendar fees, the filing of the notes of
issue and statements of readiness in each of the above action, that this action be placed upon the
trial calendar for the purposes of joint trial; and it is further

ORDERED that the plaintiffs in action 2 shall purchase an RJI within 20 days; and it is
further

ORDERED that the trial judge will determine the order of opening and closing arguments;
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 General Clerk's Office 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 aforesaid *Protocol*; 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 Trial Support Office (60 Centre Street, Room 158), who is hereby directed to reflect the consolidation by appropriately marking the court's records; 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 on the Clerk of the Supreme Court, Queens County, shall pay the appropriate transfer fee, if any, and shall contact the staff of said Clerk and cooperate in arranging the transfer of the file; and it is further

ORDERED that the Clerk of the Supreme Court, Queens County shall transfer to the Clerk of the Supreme Court, New York County the file in the action venued in that court; and it is further

ORDERED that service upon the Clerk of the Supreme Court, Queens 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, Queens County and the Clerk of this Court shall coordinate the transfer of the documents being removed to this court so as to ensure an efficient transfer and to minimize insofar as is practical the reproduction of documents, including with regard to any documents that may be in digital format; and it is further

ORDERED that the Clerk of this Court, upon service of a copy of this order with notice of

entry and the transfer of the file to this court, shall, without a further fee, assign a New York County Index Number to the transferred action and record such action in the Clerk's records; and it is further

ORDERED that, as applicable and insofar as is practical, the Clerk of this Court shall file the documents transferred pursuant to this order under the New York County Index Number of the transferred 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; and it is further

ORDERED that, within 30 days from entry of this order, counsel for the 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), together with a Request for Judicial Intervention ("RJI") for the transferred action or, if an RJI was filed in the action while pending in Supreme Court, Queens County, a copy of that RJI (in which event, no additional fee shall be charged therefor); and it is further

ORDERED that, upon the service of such documents, the Clerk of the General Clerk's Office shall mark the court's records to reflect the transfer and assign the transferred action to the undersigned Justice of this court; and it is further

ORDERED that service upon the Clerk of this Court and the Clerk of the General Clerk's Office shall be made in hard-copy form if the application herein has been made in hard-copy format or, if the application has been electronically filed, 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 counsel are directed to appear for a preliminary conference in Room 106,
80 Centre Street, New York, New York, on May 29, 2019, at 2:00 PM.

4/19/2019

DATE

CHECK ONE:

CASE DISPOSED

GRANTED

DENIED

NON-FINAL DISPOSITION

GRANTED IN PART

OTHER

APPLICATION:

SETTLE ORDER

SUBMIT ORDER

CHECK IF APPROPRIATE:

INCLUDES TRANSFER/REASSIGN

FIDUCIARY APPOINTMENT

REFERENCE

LYLE E. FRANK, J.S.C.

**HON. LYLE E. FRANK
J.S.C.**