

Fernandez v 56-11 94th St. Co.
2019 NY Slip Op 31396(U)
May 15, 2019
Supreme Court, New York County
Docket Number: 161178/2017
Judge: William Franc Perry
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SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTYPRESENT: HON. W. FRANC PERRY

PART

IAS MOTION 23EFM

Justice

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INDEX NO. 161178/2017MOTION DATE 03/11/2019MOTION SEQ. NO. 001

MARISOL FERNANDEZ, CHRISTOPHER MUNOZ, EMERITA HERNANDEZ, ELEANOR HERNANDEZ, MARY KIANG, MICHAEL KIANG, SHIRLENE GAYLE, ANA BELEN ROJAS, VIRNA SOL HERNANDEZ, JUAN OSCAR GARCIA, MARABINI DILIDILI, ROMEO DILIDILI, JOHN URUCHIMA, LYNDIA CEVALLOS, JUANA LAVIGNE, MAURA SANCHEZ, MAFIZUL HOSSAIN, DARRYL REAMS, MONIQUE BANFIELD, ALICIA RAMIREZ, HARESH CHUGANI, POOJA SADARANGANI, DAVID JOHN, LUIS CARMONA, MARTHA CARMONA, NELSON VELEZ, ZENAIDA MARTINEZ, LEONOR GALVIZ, SUSANA RAMIREZ, DAMASO LOPEZ, ROSMERY BARRIOS, JUNG KIM, DONG ZHAO, WEN GAO, ALEJANDRO AGNONE, AUDREY CLAUSEN, LIZWA SHARIFFUDDIN, WEI XU, DEBRA BATTISTE, LEVDING CEVALLOS, DIEGO CEVALLOS, KAZI SHAMSUL, MOHSIN INAM, PATRICK PUGLIESE,

Plaintiff,

- v -

56-11 94TH STREET CO., LLC, ALGIN MANAGEMENT CO., LLC, MAINTENANCE ASSET MANAGEMENT INC., DECLAN MCELHATTON,

Defendant.

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The following e-filed documents, listed by NYSCEF document number (Motion 001) 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25

were read on this motion to/for

CONSOLIDATE/JOIN FOR TRIAL

Upon the foregoing documents, it is

ORDERED that the motion is granted and the above-captioned action, Index No.

161178/2017, is consolidated in this Court with the related action entitled *Selah Giraldo et al v.**56-11 94th Street Co., LLC, et al*, Index No. 152333/2018, and the other related action entitled*Delinois Vixamar v. 56-11 94th Street Co., LLC, et al*, Index No. 157974/2018; and it is further

ORDERED that the consolidation shall take place under Index No. 161178/2017, and the consolidated action shall bear the following caption:

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

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MARISOL FERNANDEZ, CHRISTOPHER MUNOZ,
EMERITA HERNANDEZ, ELEANOR HERNANDEZ,
MARY KIANG, MICHAEL KIANG, SHIRLENE
GAYLE, ANA BELEN ROJAS, VIRNA SOL P.
HERNANDEZ, JUAN OSCAR GARCIA, MARABINI
DILIDILI, ROMEO DILIDILI, JOHN URUCHIMA,
LYNDA CEVALLOS, JUANA LAVIGNE, MAURA
SANCHEZ, MAFIZUL HOSSAIN, DARRYL E. REAMS,
MONIQUE BANFIELD, ALICIA RAMIREZ, HARESH
H. CHUGANI, POOJA SADARANGANI, DAVID A.
JOHN, LUIS CARMONA, MARTHA CARMONA,
NELSON VELEZ, ZENaida L. MARTINEZ, LEONOR
GALVIZ, SUSANA RAMIREZ, DAMASO LOPEZ,
ROSMERY BARRIOS, JUNG SUP KIM, DONG HE
ZHAO, WEN XIN GAO, ALEJANDRO AGNONE,
AUDREY CLAUSEN, LIZWA SHARIFUDDIN, WEI XU,
DEBRA F. BATTISTE, LEVDING CEVALLOS, DIEGO
CEVALLOS, KAZI SHAMSUL, MOHSIN INAM,
PATRICK PUGLIESE, SELAH GIRALDO, SHEKHAR
BASNET, ANITA RANA, BHAGWAN WADHWANI,
SONIA WADHWANI, BABAL B. SWAR, ANJU BISHT,
HARISH BISHT, NEISHA LUM YOUNG, CHRISTIEN
A. TOYEN, SHIMON KUMAR PRADHAN, PRASANA
AMATYA, BRENDAN SENDZE, KIM LOWERS,
ELIZABETH CASTILLO, CHRISTIAN VELASQUEZ,
SHARAN VELASQUEZ, SARA PADOVANI, GABRIEL
SOSA, KENYA TAYLOR, ADRIAN CRUZ, KRISTEN
DESAPPIO, KHALID HASSAN, BRYAN TRINDADE,
JESSICA TRINDADE, ISHWOR PATHAK, SUNAINA
PRADHAN, PRATAP KUMAR RAI, and DELINOIS
VIXAMAR,

Index No. 161178/2017

Plaintiffs,

-against-

56-11 94TH STREET CO., LLC; ALGIN
MANAGEMENT CO., LLC; MAINTENANCE ASSET
MANAGEMENT INC.; and DECLAN MCELHATTON,

Defendants.

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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 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

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 this 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 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 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 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 counsel for all parties in the consolidated action are directed to appear for a preliminary conference in Room 307, 80 Centre Street, New York, New York, on July 9, 2019, at 9:30 AM.

Any requested relief not otherwise discussed has nonetheless been considered and is hereby denied and this constitutes the decision and order of the Court.

<u>5/15/2019</u>			
DATE		W. FRANC PERRY, 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