

Antonio v 305 E. 61st St. Group LLC
2019 NY Slip Op 31920(U)
July 5, 2019
Supreme Court, New York County
Docket Number: 150779/2018
Judge: David Benjamin Cohen
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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. DAVID BENJAMIN COHEN

PART

IAS MOTION 58EFM

Justice

-----X

VIRGINIO ANTONIO,

Plaintiff,

- v -

305 EAST 61ST STREET GROUP LLC, HUDSON
MANAGEMENT & CONSULTING GROUP LLC, CYPRESS
GREEN CONSTRUCTION CORP., S & J CONSTRUCTION
SERVICES INC., LITTLE HEARTS MARKS FAMILY II L.P.,
FIRST NEW YORK REALTY CO., INC., THE NEW YORK
ARTS CONDOMINIUM,

Defendant.

-----X

305 EAST 61ST STREET GROUP LLC

Plaintiff,

-against-

SMART BUILDING MAINTENANCE INC.

Defendant.

-----X

**DECISION + ORDER ON
MOTION**

Third-Party
Index No. 595969/2018

The following e-filed documents, listed by NYSCEF document number (Motion 004) 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74

were read on this motion to/for

CONSOLIDATE/JOIN FOR TRIAL

Upon the foregoing documents, it is first noted that this motion was fully submitted, without any opposition, prior to the filing of 305 EAST 61ST STREET GROUP LLC's bankruptcy petition, which stays this action as against 305 EAST 61ST STREET GROUP LLC.

ORDERED that plaintiff's motion to consolidate is granted and the above-captioned action is consolidated in this Court with 305 EAST 61ST STREET GROUP LLC vs. SMART

BUILDING MAINTENANCE INC., Index No. 595969/2018, pending in this Court; and it is further

ORDERED that the consolidation shall take place under Index No. 150779/2018 and the consolidated action shall bear the following caption:

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

-----X
VIRGINIO ANTONIO,

Plaintiff,

-against-

305 EAST 61ST STREET GROUP LLC,
PCCM MANAGEMENT CORP.,
HUDSON MANAGEMENT & CONSULTING GROUP LLC,
CYPRESS GREEN CONSTRUCTION CORP.,
S&J CONSTRUCTION SERVICES INC.,
LITTLE HEARTS MARKS FAMILY II L.P.,
FIRST NEW YORK REALTY CO., INC. and
THE NEW YORK ARTS CONDOMINIUM,

Defendants.

-----X
305 EAST 61st STREET GROUP LLC,

Third-Party Plaintiff,

-against-

SMART BUILDING MAINTENANCE, INC.,

Third-Party Defendant.

-----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 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

<u>7/5/2019</u>			
DATE		DAVID BENJAMIN COHEN, J.S.C.	
CHECK ONE:	☐ CASE DISPOSED	☒ NON-FINAL DISPOSITION	HON. DAVID B. COHEN J.S.C.
	☒ GRANTED ☐ DENIED	☐ GRANTED IN PART ☐ OTHER	
APPLICATION:	☐ SETTLE ORDER	☐ SUBMIT ORDER	
CHECK IF APPROPRIATE:	☐ INCLUDES TRANSFER/REASSIGN	☐ FIDUCIARY APPOINTMENT ☐ REFERENCE	