

Owens v Macerich Mgt. Co.

2019 NY Slip Op 32025(U)

July 12, 2019

Supreme Court, New York County

Docket Number: 158679/2018

Judge: David Benjamin Cohen

Cases posted with a "30000" identifier, i.e., 2013 NY Slip Op 30001(U), are republished from various New York State and local government sources, including the New York State Unified Court System's eCourts Service.

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

INDEX NO. 158679/2018

ALBERT OWENS,

MOTION DATE 05/29/2019

Plaintiff,

MOTION SEQ. NO. 001

- v -

MACERICH MANAGEMENT COMPANY, SCHIMENTI
CONSTRUCTION COMPANY, LLC, ULTA SALON,
COSMETICS & FRAGRANCE, INC.

DECISION + ORDER ON
MOTION

Defendant.

-----X

The following e-filed documents, listed by NYSCEF document number (Motion 001) 14, 15, 16, 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, it is

ORDERED that the motion is granted on default and the action, Albert Owens III vs.
Macerich Management Company, et al, Index No. 158679/2018 pending in the Supreme Court,
New York County, shall be consolidated in Westchester County Supreme Court with Albert
Owens III vs. Brooks Shopping Centers LLC, Index No. 62647/2017, Westchester County; and it
is further

ORDERED that the consolidation shall take place under Westchester County Index No.
62647/2017 and the consolidated action shall bear the following caption:

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

-----X

ALBERT OWENS III,

Plaintiff,

Index No.: 62647/2017

-against-

BROOKS SHOPPING CENTERS LLC,
MACERICH MANAGEMENT COMPANY,
SCHIMENTI CONSTRUCTION COMPANY, LLC and
ULTA SALON, COSMETICS & FRAGRANCE, INC.,

Defendants.

-----X

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 upon the Clerk of the Supreme Court, New York County, and shall pay the appropriate fee, if any, for such transfer and shall contact the staff of said Clerk to arrange for the effectuation of the transfer in an efficient manner; and it is further

ORDERED that service upon the Clerk of the Supreme Court, New York 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, New York County, shall transfer the documents on file under Index No. 158679/2018 to the Clerk of the Supreme Court in Westchester County for the purpose of consolidation; and it is further

ORDERED that the Clerk of the Supreme Court, Westchester County and the Clerk of this court shall coordinate the transfer of the documents being transferred so as to ensure an efficient transfer and to minimize insofar as practical the reproduction of such documents, including with regard to any documents that may be in digital format; 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 in Westchester County, 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 Court in Westchester County shall be made in hard-copy format if the case pending in Westchester County is a hard-copy case or, if that case is an e-filed one, 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, as applicable and insofar as is practical, the Clerk of the Court in Westchester County shall file the documents transferred from the Supreme Court, New York County in the consolidated case file under the Westchester County 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 upon the Clerk of the General Clerk’s Office in Westchester County, 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 the case pending in Westchester County is a hard-copy case or, if the case pending there is an e-filed one, shall be made in accordance with the procedures set forth in the aforesaid *Protocol*; and it is further

ORDERED that all counsel shall arrange for a preliminary conference be held before the Justice presiding over this matter in Westchester County.

7/12/2019
DATE



DAVID BENJAMIN COHEN, J.S.C.
**HON. DAVID B. COHEN
J.S.C**

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