

Stukes v Puthumana
2019 NY Slip Op 34111(U)
April 8, 2019
Supreme Court, Nassau County
Docket Number: 605219/2017
Judge: Jeffrey S. Brown
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AMENDED SHORT FORM ORDER

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

**P R E S E N T : HON. JEFFREY S. BROWN
JUSTICE**

-----X		TRIAL/IAS PART 11
JAMES E. STUKES,		
	Plaintiff,	INDEX # 605219/2017
-against-		
JUNY J. PUTHUMANA and C.A. PUTHUMANA,		Mot. Seq. 2
		Mot. Date 2.28.19
		Submit Date 2.28.19
	Defendants.	
-----X		

The following papers were read on this motion:	E File Docs Numbered
Notice of Motion, Affidavits (Affirmations), Exhibits Annexed.....	41
Answering Affidavits (Affirmations).....	51
Reply Affidavit.....	

Upon the foregoing papers, it is ordered that this motion by the plaintiff in action # 3 for an order directing that Action #1, Action #2 and Action # 3 be joined for trial is **GRANTED**. It appears from a review of the papers that all the necessary parties have been served and that the relief requested is appropriate.

The court has now considered the affidavit in opposition of defendants Puthumana. The crux of their opposition is that by consolidating these actions the question of insurance may be mentioned during trial. However, prejudice can be eliminated by making an application before the trial judge to omit the names of the insurance companies from the caption.

CPLR §602 provides that when there are common questions of law and/or fact, where multiple actions arise out of the same accident, and where it is highly probable that the same witnesses and evidence will be presented, the court can order that the multiple actions be tried together in the interests of justice and judicial economy. In the instant matter, all three actions arise from the same motor vehicle accident which took place on May 25, 2016. As all of the actions arise out of the same accident and involve common questions of law and fact, it is hereby ordered that Action #1, Action #2 and Action #3 are joined for trial.

Accordingly, it is

ORDERED, that Action #1, Action #2 and Action #3 be joined for trial; and it is further

ORDERED, that these actions are joined for trial and discovery and it is further,

ORDERED, that the two matters currently pending in District Court Nassau County shall be transferred to Supreme Court Nassau County. The clerk of the court of District Court Nassau County, upon presentation of this instant order, shall transfer its matters under index #s 7650/17 and 832/17 to the clerk of the court of Supreme Court Nassau County; and it is further

ORDERED, that all parties shall serve upon any party so demanding copies of disclosure documents heretofore obtained in the other action and it is further,

ORDERED, that the joined actions shall bear the caption as set forth below and it is further,

ORDERED, that all matters of trial practice, including the right to open and close, are reserved to the Justice presiding at the joint trial, and it is further,

ORDERED, that all papers shall reflect the joint status of these actions, and it is further,

ORDERED, upon completion of discovery, the parties shall file separate notes of issue and certificates of readiness, as to each action and it is further,

ORDERED, that each party shall be entitled to enter separate judgments and bills of costs and disbursements, in each action respectively, if costs are allowed; and it is further

ORDERED, that the caption of this matter shall be as follows and the Clerk of the Court is directed to change the caption to reflect this change:

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NASSAU

-----X

JAMES E STUKES,

Plaintiff,

Index No. 605219/2017

- against -

ACTION NO. 1

JUNY J. PUTHUMANA and C.A. PUTHUMANA,

Defendants.

-----X

-----X
GEICO GENERAL INSURANCE COMPANY as Subrogee of
JADIRA LLANOS and JAMES STUKES,

Plaintiffs,

-against-

Index # (to be assigned)

C.A. PUTHUMANA and JUNY PUTHUMANA,

ACTION NO. 2

Defendants.
-----X

TRI-STATE CONSUMER INSURANCE COMPANY,
as Subrogee of C.A. PUTHUMANA and JUNY PUTHUMANA,

Plaintiffs,

-against-

Index # (to be assigned)

ACTION NO. 3

JADIRA LLANOS and JAMES STUKES,

Defendants.
-----X

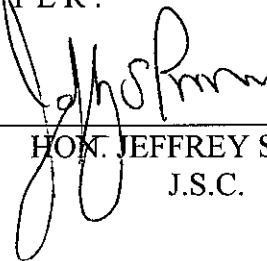
ORDERED, that movant shall serve a copy of this order upon all opposing counsel by regular mail.

ORDERED, that all parties shall appear in Part 11 of the supreme courthouse on April 16, 2019 at 9:30 a.m.

This constitutes the decision and order of this court.

Dated: Mineola, New York
April 8, 2019

ENTER :



HON. JEFFREY S. BROWN
J.S.C.

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Defendants Action #2
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ENTERED
APR 08 2019
NASSAU COUNTY
COUNTY CLERK'S OFFICE

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