

**Turner v Penske Truck Leasing Co., L.P.**

2020 NY Slip Op 30209(U)

January 27, 2020

Supreme Court, New York County

Docket Number: 150707/2019

Judge: Adam Silvera

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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. ADAM SILVERA PART IAS MOTION 22

Justice

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LAKEISHA TURNER,

Plaintiff,

- v -

PENSKE TRUCK LEASING CO., L.P., PENSKE, ANTONIO
TRISCARI, SIGNATURE RELOCATIONS LLC

Defendant.

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INDEX NO. 150707/2019

MOTION DATE 10/16/2019

MOTION SEQ. NO. 001

DECISION + ORDER ON MOTION

The following e-filed documents, listed by NYSCEF document number (Motion 001) 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39

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

Upon the foregoing documents, it is ORDERED that defendants' motion for consolidation, by defendants Penske Truck Leasing Co., L.P, Penske, Antonio Triscari and Signature Relocations LLC, is granted. Defendants move to consolidate this motor vehicle accident case, commenced by plaintiff Lakeisha Turner ("action # 1") with another action, commenced by plaintiff John A. Eaton against Penske Truck Rental, Signature Relocations, Antonio Triscari and Lakeisha Turner in the Supreme Court Queens County under Index Number 713624/2019 ("action # 2").

Defendants argue that the two actions arise out of the same accident and have common parties. CPLR §602(a) states that "[w]hen actions involving a common question of law or fact are pending before a court, the court, upon motion ... may order the actions consolidated." This action, for personal injuries resulting from a motor vehicle accident which occurred on October 5, 2018, involves the same incident and overlapping injuries as action #2. As there are common facts pending in both cases, defendants' motion to consolidate the two actions is granted.

Accordingly, it is

ORDERED that the motion is granted, and the above-captioned action is consolidated in this Court with *John Eaton v. Penske Truck Rental, Signature Relocations, LLC., Antonio Triscari, and Lakeisha Turner* under Index Number 713624/2019 (Queens County); and it is further

ORDERED that a separate index number be given to the action *John Eaton v. Penske Truck Rental, Signature Relocations, LLC., Antonio Triscari, and Lakeisha Turner*, being transferred from the Supreme Court, Queens County, to this Court upon payment of the appropriate fees, if any, 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, Queens 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, 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, shall transfer the documents on file under Index No. 713624/2019 to the Clerk of this Court for the purpose of consolidation; 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 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 (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 for joint discovery and trial; and it is further

ORDERED that such service upon the Clerk of the Court shall be made in hard-copy format if the case pending in this county is a hard-copy case or, if this 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](http://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 transferred from the Supreme Court, Queens County in the consolidated case file under the New York 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 (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 the case pending in this county is a hard-copy case or, if the case pending

here 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 counsel are directed to appear for a previously scheduled compliance conference in Room 106 of 80 Centre Street, New York, New York, on March 6, 2020 at 9:30am.

This constitutes the Decision/Order of the Court.

1/27/2020  
DATE

  
ADAM SILVERA, J.S.C.

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|-----------------------|---|---|
| CHECK ONE:            | <input type="checkbox"/> CASE DISPOSED                                      | <input checked="" type="checkbox"/> NON-FINAL DISPOSITION                         |
|                       | <input checked="" type="checkbox"/> GRANTED <input type="checkbox"/> DENIED | <input type="checkbox"/> GRANTED IN PART <input type="checkbox"/> OTHER           |
| APPLICATION:          | <input type="checkbox"/> SETTLE ORDER                                       | <input type="checkbox"/> SUBMIT ORDER   |
| CHECK IF APPROPRIATE: | <input checked="" type="checkbox"/> INCLUDES TRANSFER/REASSIGN              | <input type="checkbox"/> FIDUCIARY APPOINTMENT <input type="checkbox"/> REFERENCE |