

Black v Castillo

2020 NY Slip Op 30212(U)

January 27, 2020

Supreme Court, New York County

Docket Number: 152931/2018

Judge: Adam Silvera

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. ADAM SILVERA PART IAS MOTION 22

Justice

-----X

INDEX NO. 152931/2018

PHYLLIS BLACK,

MOTION DATE 10/31/2019

Plaintiff,

MOTION SEQ. NO. 001

- v -

RAMIL ALFONSECACASTILL, CITY QUEENS INC,
MOHAMED BAH

DECISION + ORDER ON MOTION

Defendant.

-----X

The following e-filed documents, listed by NYSCEF document number (Motion 001) 12, 13, 14, 15, 16, 17

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

Upon the foregoing documents, it is ORDERED that defendant's motion for consolidation, by defendant Mohamed Bah, is granted. Defendant moves to fully consolidate this motor vehicle accident case, commenced by plaintiff Phylliss R. Black ("action # 1") with another action, commenced by plaintiff Chevelle Peterson against Ramil A. Alfonseca Castillo, City Queens, Inc. and Mohamed Bah in the Supreme Court Bronx County under Index Number 27612/2019E ("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 September 29, 2017, involves the same incident and overlapping injuries as action #2. As there are common facts pending in both cases, defendant's motion to fully consolidate the two actions is granted.

Accordingly, it is

ORDERED that the motion is granted and the action *Chevelle Peterson v. Ramil A. Alfonseca Castillo, City Queens, Inc., Mohamed Bah* 27612/2019E, pending in the Supreme Court, Bronx County, shall be consolidated in this Court with *Phyllis Black v. Ramil Alfonseca Castillo, City Queens Inc, Mohamed Bah* under index no. 152931/2018, New York County; and it is further

ORDERED that a separate index number be given to the action *Chevelle Peterson v. Ramil A. Alfonseca Castillo, City Queens, Inc., Mohamed Bah*, being transferred from the Supreme Court, Bronx 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, Bronx 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, Bronx 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, Bronx County, shall transfer the documents on file under Index No. 27612/2019E to the Clerk of this Court for the purpose of consolidation; and it is further

ORDERED that the Clerk of the Supreme Court, Bronx 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); 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, Bronx 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 discovery shall proceed expeditiously; and it is further

ORDERED that within 14 days of obtaining a separate index number in the *Chevelle Peterson v. Ramil A. Alfonseca Castillo, City Queens, Inc., Mohamed Bah*, movant shall file a request for judicial intervention and request a preliminary conference; and it is further

ORDERED that all parties shall appear for a preliminary conference on March 16, 2020, at 9:30am in room 106 of 80 Centre Street, New York, NY 10013.

This constitutes the Decision/Order of the Court.

1/27/20
DATE



ADAM SILVERA, 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