

Vargas v MTA Bus Co.
2020 NY Slip Op 30601(U)
March 2, 2020
Supreme Court, New York County
Docket Number: 150611/2019
Judge: Suzanne J. Adams
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SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY

PRESENT: HON. SUZANNE J. ADAMS PART IAS MOTION 21

Justice

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NANCY VARGAS,

Plaintiff,

- v -

MTA BUS COMPANY, TIME WARNER ENTERTAINMENT
COMPANY, L.P., NEIL SMITH, AMBROSE GRANT

Defendant.

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INDEX NO. 150611/2019
MOTION DATE 02/27/2020
MOTION SEQ. NO. 001

ORDER - CONSOLIDATION

The following e-filed documents, listed by NYSCEF document number (Motion 001) 15, 16, 17, 18, 19, 20, 21, 22

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

Upon the foregoing documents, it is ordered that defendants Time Warner Entertainment Company, L.P. and Ambrose Grant's motion to consolidate is granted, without opposition. Defendants move to consolidate this personal injury action with another action currently pending in Supreme Court, Queens County (Jeffrey Golding v. MTA Bus Company, et al., Index No. 709084/2019), on the grounds 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".

Here, it is undisputed that both actions arise out of the same motor bus accident that occurred on June 22, 2018, both plaintiffs were passengers on the bus, and both actions involve many of the same parties. No opposition has been filed. Thus, the motion to consolidate is granted and these actions are joined for discovery and trial. Each action shall maintain separate pleadings and captions, but will have identical certificates of readiness and notes of issue.

Accordingly, it is

ORDERED that the motion is granted and the action Jeffrey Golding v. MTA Bus Company, et al., Index No. 709084/2019, pending in the Supreme Court, Queens County, shall be consolidated in this Court with Nancy Marin Vargas v. MTA Bus Company, et al., Index No.150611/2019, New York County; and it is further

ORDERED that the consolidation shall take place under New York County Index No. Index No.150611/2019 and the consolidated action shall bear the following caption:

NANCY MARIN VARGAS,	Index. No. 150611/2019
	Plaintiff,
-against-	Action No. 1
MTA BUS COMPANY, TIME WARNER ENTERTAINMENT COMPANY, L.P., NEIL O. SMITH and AMBROSE N. GRANT,	
	Defendants.

JEFFREY GOLDING,

Plaintiff,

-against-

Action No. 2

MTA BUS COMPANY, TIME WARNER
ENTERTAINMENT COMPANY, L.P., NE YORK
CITY TRANSIT AUTHORITY, METROPOLITAN
TRANSPORTATION AUTHORITY, MANHATTAN
AND BRONX SURFACE TRANSIT OPERATING
AUTHORITY, NEIL O. SMITH and
AMBROSE N. GRANT,

Defendants.

And it is further

ORDERED that, within 30 days from entry of this order, counsel for the movants 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. 709084/2019 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; and it is further

ORDERED that such service upon the Clerk of the Court shall be 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, 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 all parties shall appear for a previously scheduled compliance conference on March 12, 2020, at 11:00 a.m. in Room 320, 80 Centre Street, New York, New York.

This constitutes the decision and order of the Court.

3/2/2020
DATE


SUZANNE J. ADAMS, J.S.C.

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