

Jerez v Cayre

2020 NY Slip Op 31024(U)

April 21, 2020

Supreme Court, New York County

Docket Number: 159104/2019

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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ALFREDO A. ANTE JEREZ,
Plaintiffs,

- v -

STANLEY CAYRE, ALEXANDER D. CABRERA,
LAMOUR CAB CORP., MOHAMMED A. MOSTAFA,
FULL SCALE WOODWORKING, INC. and SEGUNDO LAU,
Defendants,

INDEX NO. 159104/2019

MOTION DATE 3/10/2020

MOTION SEQ. NO. 002

DECISION + ORDER ON MOTION

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The following e-filed documents, listed by NYSCEF document number (Motion 001) 19, 20, 21, 22, 23, 24, 25, 26,

were read on this motion to/for CONSOLIDATE.

Upon the foregoing documents, it is ORDERED that defendants Lamour Cab Corp. and Mohammed A. Mostafa's motion for consolidation is granted. Defendant moves to consolidate this motor vehicle accident case ("action # 1") for joint trial with another action, in Supreme Court Bronx County under Index number 32723/2019 in the matter of Juan E. Madera v. Lamour Cab Corp. and Mohammed A. Mostafa ("action # 2"). The motion is unopposed.

Defendant argues 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, May 21, 2019, at or near 2 Transverse Road Number One, in the County City and State of New York, and involves the same incident and overlapping injuries as action #2. As there are common facts pending in both cases, defendant's motion to consolidate the two actions for joint trial is granted. Thus, defendants' motion to consolidate is granted to the extent that these actions are joined for

discovery and trial. Each action shall maintain separate pleadings, captions, and index numbers, with separate certificates of readiness and notes of issue.

Accordingly, it is

ORDERED that the motion is granted, and the above-captioned action is consolidated in this Court with *Juan E. Madera v. Lamour Cab Corp. and Mohammed A. Mostafa* Index number 32723/2019, Supreme Court, Bronx County; and it is further

ORDERED that the motion of defendants to change the venue of action #2 from the Supreme Court, County of Bronx to this Court is granted; 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 on the Clerk of the Supreme Court, Bronx County shall pay the appropriate transfer fee, if any, and shall contact the staff of said Clerk and cooperate in arranging the transfer of the file; and it is further

ORDERED that the Clerk of the Supreme Court, Bronx County shall transfer to the Clerk of the Supreme Court, New York County the file in the action venued in that court; 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 and the Clerk of this Court shall coordinate the transfer of the documents being removed to this court so as to ensure an efficient transfer and to minimize insofar as is practical the reproduction of documents, including with regard to any documents that may be in digital format; and it is further

ORDERED that within 30 days from entry of this order, counsel for the movant shall serve a copy of this order with notice of entry on the Clerk of this Court (60 Centre Street, Room 141B); and it is further

ORDERED that the Clerk of this Court, upon service of a copy of this order with notice of entry and the transfer of the file to this court, shall without a further fee, assign a New York County Index Number to the transferred action and record such action in the Clerk's records; and it is further

ORDERED that, as applicable and insofar as is practical, the Clerk of this Court shall file the documents transferred pursuant to this order under the New York County Index Number of the transferred 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; and it is further

ORDERED that, within 30 days from entry of this order, counsel for the 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), together with a Request for Judicial Intervention ("RJI") for the transferred action or, if an RJI was filed in the action while pending in Supreme Court Bronx County, a copy of that RJI (in which event no additional fee shall be charged therefore) and indicate on the RJI the action joined for trial with the index number; and it is further

ORDERED that upon the service of such documents, the Clerk of the General Clerk's Office shall mark the court's records to reflect the transfer and assign the transferred action of the undersigned Justice of this court; and it is further

ORDERED that service upon the Clerk of this Court and the Clerk of the General Clerk's Office shall be made in hard-copy form if the application herein has been made in hard-copy

format or, if the application has been electronically filed, shall be made in accordance with the procedures et 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 discovery in this action is to proceed expeditiously; and it is further

ORDERED that within 30 days of entry, defendants shall serve a copy of this decision/order upon all parties with notice of entry.

This constitutes the Decision/Order of the Court.



ADAM SILVERA, J.S.C.

4/21/2020
DATE

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