

Jackson v New York Convention Ctr. Operating Corp.

2020 NY Slip Op 31081(U)

April 27, 2020

Supreme Court, New York County

Docket Number: 153119/2019

Judge: David Benjamin Cohen

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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. DAVID BENJAMIN COHEN

PART IAS MOTION 58EFM

Justice

-----X

WILLIAM JACKSON, MARGARET JACKSON,

Plaintiff,

- v -

NEW YORK CONVENTION CENTER OPERATING CORPORATION, NEW YORK CONVENTION CENTER DEVELOPMENT CORPORATION, JACOB K. JAVITS CONVENTION CENTER OF NEW YORK, LENDLEASE (US) CONSTRUCTION LMB INC., TURNER CONSTRUCTION COMPANY, LENDLEASE TURNER A JOINT VENTURE, EMPIRE STATE DEVELOPMENT CORPORATION,

Defendant.

-----X

NEW YORK CONVENTION CENTER OPERATING CORPORATION, NEW YORK CONVENTION CENTER DEVELOPMENT CORPORATION, LENDLEASE (US) CONSTRUCTION LMB INC., TURNER CONSTRUCTION COMPANY, LENDLEASE TURNER A JOINT VENTURE, EMPIRE STATE DEVELOPMENT CORPORATION

Plaintiff,

-against-

E.E. CRUZ & COMPANY, INC., C.B. CONTRACTING CORP.

Defendant.

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DECISION + ORDER ON MOTION

Third-Party
Index No. 595286/2020

The following e-filed documents, listed by NYSCEF document number (Motion 001) 13, 14, 15, 16, 17, 18, 19, 20, 21

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

Upon the foregoing documents, it is

ORDERED that the motion is granted, and the above-captioned action is consolidated in this Court, for joint discovery and joint trial on all issues, with *Jackson v. New York State Urban Development Corporation*, Index No. 160794/2019, pending in this Court; and it is further

ORDERED that the consolidation shall take place under Index No. 153119/2019 and the consolidated action shall bear the following caption:

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

-----X
WILLIAM JACKSON AND MARGARET JACKSON,

Plaintiffs,

Index No.: 153119/2019

-against-

NEW YORK CONVENTION CENTER OPERATING CORPORATION, NEW YORK CONVENTION CENTER DEVELOPMENT CORPORATION, JACOB K. JAVITS CONVENTION CENTER OF NEW YORK, LENDLEASE (US) CONSTRUCTION LMB INC., TURNER CONSTRUCTION COMPANY, LENDLEASE TURNER A JOINT VENTURE, and EMPIRE STATE DEVELOPMENT CORPORATION, NEW YORK STATE URBAN DEVELOPMENT CORPORATION, EMPIRE STATE DEVELOPMENT CORPORATION, LEADLEASE TURNER A JOINT VENTURE BETWEEN LENDLEASE (US) CONSTRUCTION LMB, INC. AND TURNER CONSTRUCTION COMPANY, LENDLEASE (US) CONSTRUCTION LMB, INC., and TURNER CONSTRUCTION COMPANY,

Defendants.

-----X
NEW YORK CONVENTION CENTER OPERATING CORPORATION, NEW YORK CONVENTION CENTER DEVELOPMENT CORPORATION, LENDLEASE (US) CONSTRUCTION LMB INC., TURNER CONSTRUCTION COMPANY, LENDLEASE TURNER A JOINT VENTURE, and EMPIRE STATE DEVELOPMENT CORPORATION,

Index No. 595286/2020

Third-Party Plaintiffs,

-against-

E.E. CRUZ & COMPANY, INC., and
C.B. CONTRACTING CORP.

Third-Party Defendants.

-----X
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, or 30 days from the lifting of the current temporary filing restrictions, whichever is later, 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 counsel for the movant shall contact the staff of the Clerk of the Court to arrange for the effectuation of the consolidation hereby directed; and it is further

ORDERED that service of this order upon the Clerk of the Court shall be made in hard-copy format if this action is a hard-copy matter or, if it is an e-filed case, 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 the court's website at the address www.nycourts.gov/suptctmanh); and it is further

ORDERED that, as applicable and insofar as is practical, the Clerk of this Court shall file the documents being consolidated in the consolidated case file under the 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, or 30 days from the lifting of the current temporary filing restrictions, whichever is later, movant shall serve a copy of this order with notice of entry on 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 this action is a hard-copy matter or, if it is an e-filed case, shall be made in accordance with the procedures set forth in the aforesaid *Protocol*; and it is further

ORDERED that (unless an earlier conference is requested and occurs) all counsel are directed to appear for a compliance conference in Room 574, 111 Centre Street, New York, New York, on the adjourned date of July 15, 2020, at 9:30 AM.

4/27/2020
DATE



DAVID BENJAMIN COHEN, 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"/> | 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 |