

Fasciano v Consolidated Edison Co. of N.Y., Inc.

2020 NY Slip Op 32051(U)

June 22, 2020

Supreme Court, Kings County

Docket Number: 515071/17

Judge: Francois A. Rivera

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This opinion is uncorrected and not selected for official publication.

At an IAS Term, Part 52 of the Supreme Court of the State of New York, held in and for the County of Kings, at the Courthouse, at Civic Center, Brooklyn, New York, on the 22nd day of June 2020

HONORABLE FRANCOIS A. RIVERA

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CHARLES FASCIANO,

DECISION AND ORDER

Plaintiff,

- against -

Action No. 1

Index No. 515071/17

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC., CONSOLIDATED EDISON, INC., KEYSpan CORPORATION, HELIX RAVENSWOOD, LLC f/k/a TC RAVENSWOOD, LLC, HELIX RAVENSWOOD SERVICES, LLC f/k/a TC RAVENSWOOD SERVICES LLC, ABC CO., ABC CO., INC. and JOHN DOE (being fictitious defendants believed have either owned, leased, controlled, supervised, maintained, managed and/or repaired the

subject premises and/or elevator,

Defendants.

-----X

CONSOLIDATED EDISON COMPANY OF
NEW YORK, INC.,

Third-Party Plaintiff,

-against

WILLIAMS SPECIALTY SERVICES, LLC,
FERREIRA CONSTRUCTION COMPANY, INC.,
METRO ELEVATOR COMPANY, INC., and
THOMAS A. DUGAN d/b/a PYRAMID PRODUCTS
AND SERVICES,

Third-Party Defendants.

-----X

-----X

KYLE STOUT and JENNIFER STOUT,

Plaintiff,

- against -

Action No. 2

Index No. 501588/2019

CONSOLIDATED EDISON COMPANY
OF NEW YORK, CONSOLIDATED EDISON, INC.,
TRANSCANADA, LTD., KEYSpan CORP.,
THOMAS A. DUGAN d/b/a PYRAMID
PRODUCTS & SERVICES and METRO
ELEVATOR COMPANY, INC., WILLIAMS
SPECIALTY SERVICES, LLC. and
ABC CO., ABC CO., INC., JOHN DOE
(fictitious defendants believed to have
owned, leased, controlled, supervised, maintained, managed
and/or repaired the subject premises and elevator).

Defendants.

-----X

CONSOLIDATED EDISON COMPANY
OF NEW YORK, INC.

Third-Party Plaintiff,

-against-

FERRIERA CONSTRUCTION COMPANY, INC.,

Third-Party Defendant.

-----X

CONSOLIDATED EDISON COMPANY
OF NEW YORK, INC.

Second Third-Party Plaintiff,

-against

THOMAS A. DUGGAN d/b/a PYRAMID
PRODUCTS & SERVICES and METRO
ELEVATOR COMPANY, INC.,

Second Third-Party Defendant.

-----X

CONSOLIDATED EDISON COMPANY
OF NEW YORK, INC.

Third Third-Party Plaintiff,

-against-

WILLIAMS SPECIALTY SERVICES, LLC,

Third Third-Party Defendant.

-----X

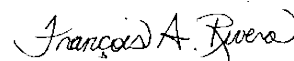
On June 22, 2020, a conference via Skype for Business was conducted. The parties were represented by the appearances of Christopher Dai, Esq. on behalf of the Action No. 1 plaintiff Charles Fasciano (hereinafter Fasciano); Charles Gayner, Esq., on behalf of the Action No. 2 plaintiffs Kyle Stout and Jennifer Stout; John Fox, Esq. on behalf of the Action No. 1 defendant/third-party plaintiff and Action No. 2 defendant/third-party plaintiff/second and third third-party plaintiff Consolidated Edison Company of New York Inc. (hereinafter Con Ed); Christopher Power, Esq. on behalf of the Action No. 1 third-party defendants and Action No. 2 defendants/second third-party defendants Thomas A. Duggan d/b/a Pyramid Products and Services (hereinafter Duggan/Pyramid); Paul Tramontano, Esq. on behalf of Action No. 1 defendants Helix Ravenswood, LLC f/ka TC Ravenswood, LLC, Helix Ravenswood Services, LLC f/k/a TC Ravenswood Services, LLC.; Joanne Bell, Esq. on behalf of the Action No. 1 third-party defendant and Action No. 2 second third-party defendant Ferriera Construction Company Inc.; Doreen Correia, Esq. on behalf of the Action No. 1 third-party defendant and the Action No. 2 defendant/third third-party defendant Williams Specialty Services, LLC (hereinafter Williams); and Kenneth Gerard, Esq. on behalf of the Action No. 1 third-party defendant and Action No. 2 defendant/second third-party defendant.

Pursuant to the conference and on the consent of all parties the Court hereby so orders the following stipulated discovery schedule:

1. Fasciano will appear for three separate independent medical examinations (hereinafter IME). The first two are scheduled for June 29, 2020 and July 23, 2020, respectively.
2. On or before July 1, 2020, Con Ed will provide notice to Fasciano of the designated physician for the third IME.
3. On February 24, 2020, JHO Martin Schneier issued an order that directed, among other things, that Con Ed and Duggan/Pyramid comply with certain discovery demands made by Williams dated June 4, 2019.
4. On or before July 22, 2020, Con Ed will provide a response on notice to all parties to Williams' Demands & Interrogatories dated June 4, 2019.
5. On or before July 22, 2020, Duggan/Pyramid will provide a response on notice to all parties to Williams' Demands & Interrogatories dated June 4, 2019.
6. The parties will provide trial authorizations on or before December 21, 2020.
7. Note of Issue must be filed on or before September 21, 2020.

The foregoing constitutes the decision and order of this Court.

Enter:



J.S.C.