

Leonetti v Related Cos., L.P.
2020 NY Slip Op 32410(U)
July 23, 2020
Supreme Court, New York County
Docket Number: 152580/2019
Judge: W. Franc Perry
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**SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY**

PRESENT: HON. W. FRANC PERRY

PART

IAS MOTION 23EFM

Justice

-----X

ANTHONY LEONETTI,

Plaintiff,

- v -

THE RELATED COMPANIES, L.P., OXFORD
PROPERTIES GROUP INC., TISHMAN REALTY &
CONSTRUCTION CO., INC., TUTOR PERINI
CORPORATION, STRUCTURE TONE, LLC,
METROPOLITAN TRANSPORTATION AUTHORITY (MTA),
CITY OF NEW YORK,

Defendant.

-----X

STRUCTURE TONE, LLC

Plaintiff,

-against-

EGG ELECTRIC, INC.

Defendant.

-----X

**DECISION + ORDER ON
MOTION**

Third-Party

Index No. 596027/2019

The following e-filed documents, listed by NYSCEF document number (Motion 001) 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34

were read on this motion to/for

CONSOLIDATE/JOIN FOR TRIAL

In this personal injury action, plaintiff Anthony Leonetti seeks to recover damages from the defendants allegedly resulting from a trip and fall accident on the 12th floor at 30 Hudson Yards, New York, New York. Plaintiff seeks an order pursuant to CPLR §602 to consolidate this action (Action No. 1) with another action (Action No. 2) filed later in this court under index number 160372/2019, arising out of the same accident and alleging the same damages and injuries. The motion is submitted without opposition.

Based on a review of the pleadings in both actions it is clear that these actions arise out of the same transaction and involve common questions of law and fact. Accordingly, in order to promote judicial economy and to streamline discovery, motion sequence number 001 which seeks to consolidate the actions before a single justice is granted. It is therefore,

ORDERED that the motion is granted and the above-captioned action is consolidated in this Court with Leonetti vs. TW NY Properties LLC, et al, Index No. 160372/2019, pending in this Court; and it is further

ORDERED that the consolidation shall take place under Index No. 152580/2019 and the consolidated action shall bear the following caption:

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

-----X
ANTHONY LEONETTI,

Index No.: 152580/2019

Plaintiff,

- against-

TW NY PROPERTIES LLC, STRUCTURE TONE,
LLC, STRUCTURE TONE, INC., TISHMAN
CONSTRUCTION CORPORATION, OXFORD
HUDSON YARDS, LLC, THE RELATED
COMPANIES, L.P., TUTOR PERINI CORPORATION,
METROPOLITAN TRANSPORTATION
AUTHORITY (MTA), and CITY OF NEW YORK,

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, 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 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/supctmanh); 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, 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 accordance with the procedures set forth in the aforesaid *Protocol*.

July 23, 2020

 DATE



 W. FRANC PERRY, J.S.C.

CHECK ONE:

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CASE DISPOSED

☒

NON-FINAL DISPOSITION

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GRANTED

☐

DENIED

☐

GRANTED IN PART

☐

OTHER

APPLICATION:

☐

SETTLE ORDER

☐

SUBMIT ORDER

CHECK IF APPROPRIATE:

☐

INCLUDES TRANSFER/REASSIGN

☐

FIDUCIARY APPOINTMENT

☐

REFERENCE