

Baez v New York City Tr. Auth.
2020 NY Slip Op 32497(U)
July 27, 2020
Supreme Court, New York County
Docket Number: 152113/2018
Judge: Suzanne J. Adams
Cases posted with a "30000" identifier, i.e., 2013 NY Slip Op <u>30001</u> (U), are republished from various New York State and local government sources, including the New York State Unified Court System's eCourts Service.
This opinion is uncorrected and not selected for official publication.

SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY

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

Justice

-----X INDEX NO. 152113/2018

ISAAC BAEZ, MOTION DATE N/A

Plaintiff, MOTION SEQ. NO. 002

- v -

NEW YORK CITY TRANSIT AUTHORITY,
METROPOLITAN TRANSPORTATION AUTHORITY, JOHN
PETIT-FRERE, DECISION + ORDER ON
MOTION

Defendant.
-----X

The following e-filed documents, listed by NYSCEF document number (Motion 002) 16, 17, 18, 19, 20,
21, 22, 23, 24, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39
were read on this motion to/for CONSOLIDATE/JOIN FOR TRIAL

Plaintiff Isaac Baez moves to consolidate this action (bearing Index No. 152113/2018 and hereinafter referred to as Action No. 1) with a second action currently pending in New York County, Isaac Baez, Sr. and Leo Baez, as Administrator of the Estate of Ana Baez, Deceased, v. John Petit-Frere, New York City Transit Authority and Isaac Baez, Jr., Index No. 156489/2018 (hereinafter, Action No. 2). In a cross-motion, plaintiff Yuly Blandon in a third action currently pending in New York County, Yuly Blandon v. John Petit-Frere, New York City Transit Authority, Isaac Baez, Jr., and Isaac Baez, Sr., Index No. 156662/2018 (hereinafter, Action No. 3), moves to consolidate said third action with Action Nos. 1 and 2. All three actions are personal injury matters that arise out of an alleged motor vehicle accident that occurred on May 31, 2017, at or near the intersection of Amsterdam Avenue and West 164th Street in Manhattan, and involve the same parties. No opposition has been filed to either the motion or cross-motion.

Pursuant to CPLR §602(a), “[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 all three actions arise out of the same alleged accident and involve the same parties, and no opposition has been filed. Thus, the cross-motion to consolidate Action Nos. 1, 2 and 3 is granted, and these actions are joined for discovery and trial. The motion to consolidate Action Nos. 1 and 2 is denied as moot, in light of the granting of the cross-motion. Each action shall maintain separate pleadings and captions, but will have identical certificates of readiness and notes of issue. The actions are designated as “1”, “2” and “3” based upon the order in which they were filed, and the consolidation will be under the index number of Action No. 1, the action filed first in time.

Accordingly, it is

ORDERED that the cross-motion is granted and the motion is denied as moot, and the actions Isaac Baez v. New York City Transit Authority, Metropolitan Transportation Authority and John Petit-Frere, Index No. 152113/2018; Isaac Baez, Sr. and Leo Baez, as Administrator of the Estate of Ana Baez, Deceased, v. John Petit-Frere, New York City Transit Authority and Isaac Baez, Jr., Index No. 156489/2018; and Yuly Blandon v. John Petit-Frere, New York City Transit Authority, Isaac Baez, Jr., and Isaac Baez, Sr., Index No. 156662/2018, all pending in this court, shall all be consolidated in this court; and it is further

ORDERED that the consolidation shall take place under Index No. 152113/2018 and the consolidated action shall bear the following caption:

ISAAC BAEZ, Index. No. 152113/2018

Plaintiff,

-against- Action No. 1

NEW YORK CITY TRANSIT AUTHORITY,
 METROPOLITAN TRANSPORTATION AUTHORITY
 and JOHN PETIT-FRERE,

Defendants.

ISAAC BAEZ, SR., and LEO BAEZ, as Administrator
 of the Estate of ANA BAEZ, Deceased,

Plaintiffs,

-against- Action No. 2

JOHN PETIT-FRERE, NEW YORK CITY TRANSIT
 AUTHORITY and ISAAC BAEZ, JR.,

Defendants.

YULY BLANDON,

Plaintiff,

-against- Action No. 3

JOHN PETIT-FRERE, NEW YORK CITY TRANSIT
 AUTHORITY, ISAAC BAEZ, JR. and ISAAC BAEZ, SR.,

Defendants.

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, counsel for the cross-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 the records to reflect the consolidation; and it is further

ORDERED that counsel for the cross-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, cross-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*; and it is further

ORDERED that counsel for all parties are directed to appear for a status conference in Part 21, Room 320, 80 Centre Street, New York, New York, on September 24, 2020, at 10:00 a.m., or via a virtual conference that will be arranged by the court.

This constitutes the decision and order of the Court.



SUZANNE J. ADAMS, J.S.C.

7/27/2020

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