

Jimenez v Branca Contr. Corp.
2020 NY Slip Op 33376(U)
October 16, 2020
Supreme Court, New York County
Docket Number: 152924/2020
Judge: David Benjamin Cohen
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SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTYPRESENT: HON. DAVID BENJAMIN COHEN

PART

IAS MOTION 58EFM

Justice

-----X

MIGUEL JIMENEZ,

INDEX NO. 152924/2020MOTION DATE 09/24/2020

Plaintiff,

MOTION SEQ. NO. 001

- v -

BRANCA CONTRACTING CORP., JAMES BRANCAZIO

DECISION + ORDER ON
MOTION

Defendant.

-----X

The following e-filed documents, listed by NYSCEF document number (Motion 001) 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 21

were read on this motion to/for

CONSOLIDATE/AMEND CAPTION/PLEADINGS

Upon the foregoing documents, it is

ORDERED that the motion is granted and the above entitled action and *Jimenez vs. DRK East 7th Street LLC and K-Square Developers, Inc.*, Index No. 150261/2020, pending in the Supreme Court, New York County, shall be consolidated for all purposes in the Supreme Court, Queens County with *Jimenez vs. Tec-Crete Ready Mix LLC, DRK East 7th Street LLC, and K-Square Developers, Inc.*, Index No. 712276/2018, Queens County; and it is further

ORDERED that the consolidation shall take place under Queens County Index No. 712276/2018 and the consolidated action shall bear the following caption:

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF QUEENS

-----X

MIGUEL JIMENEZ,

Plaintiff,

Index No.: 712276/2018

-against-

TEC-CRETE READY MIX LLC,
DRK EAST 7TH STREET LLC,

K-SQUARE DEVELOPERS, INC.,
BRANCA CONTRACTING CORP.
and JAMES BRANCAZIO d/b/a
BRANCA CONCRETE PUMPING,

Defendants.

-----X

And it is further

ORDERED that, within 30 days from entry of this order, counsel for the movant shall serve a certified copy of this order upon the Clerk of the Supreme Court, Queens County, and shall pay the appropriate fee, if any, for such transfer and shall contact the staff of said Clerk to arrange for the effectuation of the transfer in an efficient manner; and it is further

ORDERED that service upon the Clerk of the Supreme Court, Queens 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, New York County, shall transfer the documents on file under Index Nos. 152924/2020 and 150261/2020 to the Clerk of the Supreme Court, Queens County, for the purpose of consolidation; and it is further

ORDERED that the Clerk of the Supreme Court, New York County, shall mark the actions on file under New York County Index Nos. 152924/2020 and 150261/2020 as disposed; and it is further

ORDERED that the Clerk of the Supreme Court, Queens County and the Clerk of this court shall coordinate the transfer of the documents being transferred to Queens County so as to ensure an efficient transfer and to minimize insofar as practical the reproduction of such documents, including with regard to any documents that may be in digital format; 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, Queens County, 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 such service upon the Clerk of the Court, Queens County shall be made in hard-copy format if the case pending is a hard-copy case or, if this case is an e-filed one, 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 this court’s website at the address www.nycourts.gov/supctmanh); and it is further

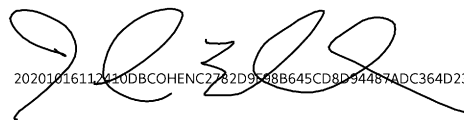
ORDERED that, as applicable and insofar as is practical, the Clerk of the Court, Queens County shall file the documents transferred from the Supreme Court, New York County in the consolidated case file under the Queens County Index Number of the consolidated action in the New York State Courts Electronic 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 upon the Clerk of the General Clerk’s Office, Queens County, 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 the case pending in this county is a hard-copy case or, if the case pending

here is an e-filed one, shall be made in accordance with the procedures set forth in the aforesaid *Protocol*; and it is further

ORDERED that all counsel on all the consolidated actions are directed to appear at the compliance conference scheduled before Justice Richard Latin on January 11, 2021.



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<u>10/16/2020</u>			
DATE		DAVID BENJAMIN COHEN, J.S.C.	
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	