

AIG Prop. Cas. Co. v Acer Restorations LLC

2020 NY Slip Op 33642(U)

November 3, 2020

Supreme Court, New York County

Docket Number: 161068/2019

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

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AIG PROPERTY CASUALTY COMPANY A/S/O JANE
BEASLEY, GREGORY OLSEN, JAY SUGERMAN AND
KELLY BEHUN, NY APT TRUST, NY APT II TRUST,
JOSEPH AND MICHELLE JACOBS, AND MARK CUBAN,

Plaintiff,

- v -

ACER RESTORATIONS LLC, IVAN ORTIZ, MARIA
SOLANGE DE LA ROCHA ALAM

Defendant.

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INDEX NO. 161068/2019

MOTION DATE 10/01/2020

MOTION SEQ. NO. 001

**DECISION + ORDER ON
MOTION**

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

were read on this motion to/for TRANSFER.

Upon the foregoing documents, it is

ORDERED that the motion is granted and the action *State Farm Fire and Casualty Company a/s/o Julie Yang v. Acer Restoration LLC and Ivan Ortiz*, which is currently pending in Civil Court, Queens County under Index Number 018318/2019, shall be consolidated in this Court with *AIG Property Casualty Company A/S/O Jane Beasley, Gregory Olsen, Jay Sugerman, and Kelly Behun, NYAPT Trust, NYAPT II Trust, Joseph And Michelle Jacobs, and Mark Cuban vs. Acer Restorations LLC, Ivan Ortiz, and Maria Solange De La Rocha Alam*, Index No. 161068/2019, Supreme Court, New York County for all purposes; and it is further

ORDERED that the consolidation shall take place under New York County Index No. 161068/2019 and the consolidated action shall bear the following caption:

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

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AIG PROPERTY CASUALTY COMPANY a/s/o
JANE BEASLEY, GREGORY OLSEN, JAY SUGARMAN
and KELLY BEHUN, NYAPT TRUST, NYAPT
II TRUST, JOSEPH and MICHELLE JACOBS,
and MARK CUBAN, STATE FARM FIRE & CASUALTY
COMPANY a/s/o JULIE YANG,

Index No.: 161068/2019

Plaintiffs,

-against-

ACER RESTORATIONS LLC, IVAN ORTIZ,
and MARIA SOLANGE DE LA ROCHA ALAM,

Defendants.
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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 Civil 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 Civil 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 Civil Court, Queens County, shall transfer the documents on file under Index No. 018318/2019 to the Clerk of this Court for the purpose of consolidation; and it is further

ORDERED that the Clerk of the Civil Court, Queens County and the Clerk of this court shall coordinate the transfer of the documents being transferred 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 (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 such service upon the Clerk of the Court shall be made in hard-copy format if the case pending in this county 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

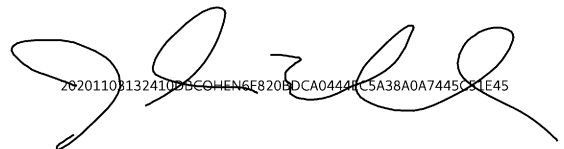
ORDERED that, as applicable and insofar as is practical, the Clerk of this Court shall file the documents transferred from the Civil Court, Queens County in the consolidated case file under the New York County Index Number of the consolidated action in the New York State Courts Electronic Filing System 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 (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 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 this matter is set down for a preliminary conference as follows. The parties are to prepare a proposed preliminary conference order and submit it to the Part Clerk by November 18, 2020 by email at mabreu@nycourts.gov. Should any disputed issues arise, the parties are to notify the Park Clerk via email and the court will schedule a conference to resolve all issues.

11/3/2020
DATE


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DAVID BENJAMIN COHEN, J.S.C.

CHECK ONE:	<input type="checkbox"/>	CASE DISPOSED	<input checked="" type="checkbox"/>	NON-FINAL DISPOSITION		
	<input checked="" type="checkbox"/>	GRANTED	<input type="checkbox"/>	DENIED	<input type="checkbox"/>	OTHER
APPLICATION:	<input type="checkbox"/>	SETTLE ORDER	<input type="checkbox"/>	SUBMIT ORDER		
CHECK IF APPROPRIATE:	<input type="checkbox"/>	INCLUDES TRANSFER/REASSIGN	<input type="checkbox"/>	FIDUCIARY APPOINTMENT	<input type="checkbox"/>	REFERENCE