

Ladson v Diaby

2020 NY Slip Op 33769(U)

November 13, 2020

Supreme Court, New York County

Docket Number: 158715/2019

Judge: Lisa S. Headley

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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. LISA S. HEADLEY PART IAS MOTION 22

Justice

-----X

JAMAL LADSON,

Plaintiff,

- v -

KALIL DIABY, YADI MARELI MANGUAL,

Defendant.

-----X

INDEX NO. 158715/2019

MOTION DATE N/A

MOTION SEQ. NO. 001

**DECISION + ORDER ON
MOTION**

The following e-filed documents, listed by NYSCEF document number (Motion 001) 3, 4, 5, 6, 7, 10 were read on this motion to/for CHANGE VENUE and CONSOLIDATION.

CHANGE OF VENUE

Upon the foregoing documents, it is ORDERED that the motion by defendant for a change of venue pursuant to *CPLR § 510(3) and CPLR § 511* is granted on consent. (See, letter from Plaintiff's attorney dated August 25, 2020) As plaintiff has not opposed the motion, venue of this action is changed from this Court to the Supreme Court, County of Queens; and it is further

ORDERED that the Clerk of this Court shall transfer the file in this action to the Clerk of the Supreme Court, County of Queens and shall mark his records to reflect such transfer; and it is further

ORDERED that, within 30 days from entry of this order, counsel for movant shall serve a copy of this order with notice of entry upon the Clerk of this Court, shall pay the appropriate transfer fee, if any, and shall contact the staff of the Clerk of this Court and cooperate in effectuating the transfer; and it is further

ORDERED that the Clerk of the Court shall coordinate the transfer of the file in this action with the Clerk of the Supreme Court, Queens County, so as to ensure an efficient transfer and minimize insofar as practical the reproduction of documents, including with regard to any documents that may be in digital format; and it is further

ORDERED that such service upon the Clerk of this 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).

MOTION FOR CONSOLIDATION

Upon the foregoing documents, it is ORDERED that the instant motion to consolidate pursuant to *CPLR §602* is granted. Here, defendants, Kalil D. Diaby and Yadi Mareli Mangual, seek to consolidate this action Index No.: 158715/2019 (Action #1) with a related action pending in the Supreme Court, County of Queens, bearing Index No.: 705011/2019 (Action #2). Defendants argue that both actions arise from identical facts and circumstances and involve common questions of law and fact. Defendants seek to have both actions consolidated under the Supreme Court, County of Queens Index No.: 705011/2019 (Action #2) for joint discovery and trial.

CPLR §602(a) states that “[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 the actions arise out of the same motor vehicle accident and involve the same parties. Plaintiff consents to consolidation of the within actions and does not oppose the motion. Thus, the defendants’ motion to consolidate is granted.

Accordingly, it is

ORDERED that the motion is granted and the action Jamal Ladson v. Kalil Diaby and Yadi Mareli Mangual, Index No.: 158715/2019 (Action #1), pending in the Supreme Court, County of New York, shall be consolidated with the action Lindsay Prociw v Kalil Diaby, Yadi Mareli Mangual , Jamal A. Ladson and Velcab Corp, Index No. 705011/2019 (Action #2) pending in the Supreme Court, County of Queens; and it is further

ORDERED that the caption of the consolidated action in Queens County, Supreme Court shall be the following:

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF QUEENS

JAMAL LADSON,

Plaintiff,

-against-

Index No. 705011/2019

KALIL DIABY and YADI MARELI MANGUAL,

Defendants.

LINDSAY PROCIW,

Plaintiff,

-against-

KALIL DIABY, MARELI YADI MANGUAL,
JAMAL A. LADSON and VELCAB CORP.,

Defendants.

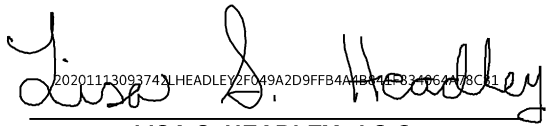
and it is further

ORDERED that, within 30 days from entry of this order, counsel for movant shall serve a copy of this order with notice of entry upon all parties, on the Clerk of the Court (60 Centre Street, Room 141 B), and the Clerk of the General Clerk’s Office (60 Centre Street, Room 119) who shall consolidate the documents in the actions hereby consolidated and shall mark the court’s records to reflect the consolidation; and it is further

ORDERED that such service upon the County Clerk and the Clerk of the General Clerk’s Office 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)).

This constitutes the Decision/Order of the Court.

11/13/2020
DATE


LISA S. HEADLEY, 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"/>	GRANTED IN PART
APPLICATION:	<input type="checkbox"/>	SETTLE ORDER	<input type="checkbox"/>	SUBMIT ORDER
CHECK IF APPROPRIATE:	<input checked="" type="checkbox"/>	INCLUDES TRANSFER/REASSIGN	<input type="checkbox"/>	FIDUCIARY APPOINTMENT
			<input type="checkbox"/>	OTHER
				REFERENCE