

Texidor v New York City Hous. Auth.

2020 NY Slip Op 33973(U)

November 25, 2020

Supreme Court, New York County

Docket Number: 161283/2018

Judge: Lucy Billings

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SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK: PART 46

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SANTA TEXIDOR,

Index No. 161283/2018

Plaintiff

- against -

DECISION AND ORDER

NEW YORK CITY HOUSING AUTHORITY,

Defendant

-----X

LUCY BILLINGS, J.S.C.:

I. BACKGROUND

Plaintiff moves to consolidate this action with Santa Texidor v. New York City Housing Authority, Index Number 161255/2018, in this court. C.P.L.R. § 602(a). Both actions arise from her personal injury on the third step of defendant's entryway staircase at 228 West 62nd Street, New York County, where she slipped and fell.

II. REASONS FOR CONSOLIDATION

The court may consolidate actions involving common questions of law or fact. C.P.L.R. § 602(a); Lema v. 1148 Corp., 176 A.D.3d 653, 654 (1st Dep't 2019); Yoon Jung Kim v. Gahee An, 150 A.D.3d 590, 594 (1st Dep't 2017); Ressler & Ressler v. Friedman, 128 A.D.3d 447, 447 (1st Dep't 2015); Grynberg v. BP Exploration

Operating Co. Ltd., 127 A.D.3d 553, 554 (1st Dep't 2015).

Consolidation is preferred when it is in the interest of judicial economy, Lema v. 1148 Corp., 176 A.D.3d at 654; Murphy v. 317-319 Second Realty LLC, 95 A.D.3d 443, 444 (1st Dep't 2012); Cummin v. Cummin, 56 A.D.3d 400, 400 (1st Dep't 2008); Belopolsky v. Renew Data Corp., 41 A.D.3d 322, 322 (1st Dep't 2007), unless the party opposing consolidation demonstrates that it will prejudice a substantial right. Lema v. 1148 Corp., 176 A.D.3d at 654; Grynberg v. BP Exploration Operating Co. Ltd., 127 A.D.3d at 554; Katan Group, LLC v. CPC Resources, Inc., 110 A.D.3d 462, 463 (1st Dep't 2013); Walls v. Prestige Mgt., Inc., 59 A.D.3d 311, 311 (1st Dep't 2009).

Plaintiff's two actions here warrant consolidation because both stem from falls resulting in bodily injury to plaintiff, two weeks apart, both allegedly caused by defendant's negligence in maintaining the staircase. Lema v. 1148 Corp., 176 A.D.3d at 654; Yoon Jung Kim v. Gahee An, 150 A.D.3d at 594; Mount Hawley Ins. Co. v. Interstate Fire & Cas. Co., 98 A.D.3d 859, 859 (1st Dep't 2012); Geneva Temps, Inc. v. New World Communities, Inc., 24 A.D.3d 332, 335 (1st Dep't 2005). In both actions, plaintiff thus seeks a determination that defendant's negligence caused her injury. Both actions also involve the same attorneys and are at

the same stage in discovery. See Progressive Ins. Co. v. Vasquez, 10 A.D.3d 518, 519 (1st Dep't 2004).

Judicial economy also supports consolidation of plaintiff's actions. Lema v. 1148 Corp., 176 A.D.3d at 654; Murphy v. 317-319 Second Realty LLC, 95 A.D.3d at 445; Cummin v. Cummin, 56 A.D.3d at 400; Belopolsky v. Renew Data Corp., 41 A.D.3d at 322. If the actions are not consolidated, the potential for inconsistent verdicts arises, which may lead to further litigation. Grynberg v. BP Exploration Operating Co. Ltd., 127 A.D.3d at 554; Murphy v. 317-319 Second Realty LLC, 95 A.D.3d at 445; Cummin v. Cummin, 56 A.D.3d at 400. Consolidation, however, will allow all relevant witnesses and evidence to be presented, interpreted, and compared to determine whether defendant is liable for plaintiff's injuries, promoting efficiency and obviating the potential for additional litigation. Geneva Temps, Inc. v. New World Communities, Inc., 24 A.D.3d at 335. Consolidation thus promotes the most economic resolution. Grynberg v. BP Exploration Operating Co. Ltd., 127 A.D.3d at 554; Murphy v. 317-319 Second Realty LLC, 95 A.D.3d at 445.

III. CONCLUSION

Consequently, for all the reasons explained above, the court grants plaintiff's motion to consolidate this action with Santa

Texidor v. New York City Housing Authority, Index Number 161255/2018, in this court. C.P.L.R. § 602(a). The actions are consolidated under Index Number 161255/2018 and shall bear the following caption:

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK: PART 8

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SANTA TEXIDOR, Index No. 161255/2018
Plaintiff

- against -

NEW YORK CITY HOUSING AUTHORITY,
Defendant

-----X

The pleadings in the two actions shall remain the pleadings in the consolidated action.

Plaintiff shall serve this order with notice of entry on defendant in the consolidated action and on the County Clerk and the General Clerk's Office according to the Protocol on Courthouse and County Clerk Procedures for Electronically Filed Cases (accessible at the "E-Filing" page of the court's website at www.nycourts.gov/supctmanh). The County Clerk and the General

Clerk's Office shall consolidate the files in the two actions and record the consolidation.

DATED: November 25, 2020

LUCY BILLINGS, J.S.C.