

**Jackson v Rahman**

2020 NY Slip Op 35540(U)

October 13, 2020

Supreme Court, Bronx County

Docket Number: Index No. 22455/2019E

Judge: Mary Ann Brigantti

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This opinion is uncorrected and not selected for official publication.

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

-----X,  
**ANTOINE JACKSON,**

**Plaintiff,**

**“Action No. 1”**

**-against-**

**Index No.: 22455/2019E**

**MOHAMMED Z. RAHMAN, VICTORY AUTO  
GROUP, LLC, BAJRAM ZENELI and AMIR ZENELI,  
Defendants.**

-----X

**CIVIL COURT OF THE CITY OF NEW YORK  
COUNTY OF QUEENS**

-----X

**GEICO INDEMNITY COMPANY AS SUBROGEE  
OF BAJRAM ZENELI and AMIR ZENELI,**

**Plaintiffs,**

**“Action No. 2”**

**-against-**

**Index No.: 036079/2019**

**MOHAMMED RAHMAN,**

**Defendant.**

-----X

**HON. MARY ANN BRIGANTTI:**

Defendant, MOHAMMED Z. RAHMAN, moves to consolidate the above-entitled actions for joint trial and discovery, and related relief. These actions were brought to recover damages for alleged personal injuries, and/or property damage, sustained by Plaintiffs, respectively, in the same motor vehicle accident which occurred on, or about, January 1, 2019, in the County of Kings, NY.

CPLR § 602 “Consolidation” provides that:

**“(a) Generally. When actions involving a common question of law or fact are pending before a court, the court, upon motion, may order a joint trial of any or all the matters in issue, may order the actions consolidated, and**

may make such other orders concerning proceedings therein as may tend to avoid unnecessary costs or delay." [emphasis added]

Accordingly, Defendant's motion is granted, without opposition, to the extent that the actions shall be tried jointly, with the remaining pretrial proceedings, including discovery, to be held jointly, because both actions arise from the same motor vehicle accident and so involve common questions of fact and law.

Thus, "Action No. 2" (*Geico v Rahman*, Queens Civil Court of the City of NY, Index No. 036079/2019) is removed, from the Queens Civil Court of the City of New York, to the Bronx Supreme Court, where future proceedings shall be held. CPLR § 602(b) provides that: "Cases pending in different courts. Where an action is pending in the supreme court it may, upon motion, remove to itself an action pending in another court and consolidate it or have it tried together with that in the supreme court".

Further, CPLR R 511(d) "Change of place of trial" provides that:

**"Upon filing of consent by the plaintiff or entry of an order changing the place of trial by the clerk of the county from which it is changed, the clerk shall forthwith deliver to the clerk of the county to which it is changed all papers** filed in the action and certified copies of all minutes and entries, which shall be filed, entered or recorded, as the case requires, in the office of the latter clerk. Subsequent proceedings shall be had in the county to which the change is made as if it had been designated originally as the place of trial, except as otherwise directed by the court." [emphasis added]

Thus, the Clerk of the Queens Civil Court of the City of New York, upon receipt of a certified copy of this Order, shall transfer all papers on file in the action bearing the caption *Geico v Rahman*, Index No. 036079/2019, to the Clerk of the Bronx Supreme Court, upon payment of proper fees, if any.

Upon receipt of a copy of this Order with notice of entry, the Bronx County Clerk shall assign a Bronx Supreme Court Index Number to "Action No. 2"; and Plaintiff therein shall forthwith file, and serve, an RJI, and pay any appropriate fees therefor. The pleadings in the actions hereby consolidated for joint trial and discovery shall continue to stand as the pleadings. The caption may read as follows:

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

-----X,  
ANTOINE JACKSON,

Plaintiff,

"Action No. 1"

-against-

Index No.: 22455/2019E

MOHAMMED Z. RAHMAN, VICTORY AUTO  
GROUP, LLC, BAJRAM ZENELI and AMIR ZENELI,  
Defendants.

-----X

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

-----X

GEICO INDEMNITY COMPANY AS SUBROGEE  
OF BAJRAM ZENELI and AMIR ZENELI,

Plaintiffs,

"Action No. 2"

-against-

Index No.: [ to be inserted]

MOHAMMED RAHMAN,  
Defendant.

-----X

However, there shall be a separate Note of Issue and Certificate of Readiness filed in each action. The trial judge may determine the sequence of proceedings at trial.

Movant shall forthwith serve a copy of this Order, with Notice of Entry: upon all of the parties in each action; as well as upon the Clerk of the Bronx Supreme Court in the Motion Support Office (Room 217), the Bronx County Clerk (Room 118), and the appropriate Clerk in the Civil Court of the City of New York County of Queens, who shall mark their records to reflect the consolidation for joint trial and discovery as set forth herein.

This matter is scheduled a discovery Compliance Conference to be held on November 12, 2020, and all parties shall participate therein, and in future joint discovery conferences. The parties are to review this Court's recently amended Part Rules for new procedures governing compliance conference appearances.

This constitutes the decision and order of this Court.

Dated: October 13, 2020



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HON. MARY ANN BRIGANTTI, J.S.C.