

<b>Chin v Gelco Fleet Trust</b>
2021 NY Slip Op 30679(U)
February 16, 2021
Supreme Court, Kings County
Docket Number: 512006/2018
Judge: Lara J. Genovesi
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At an IAS Part 34 of the Supreme Court of the State of New York, County of Kings, 360 Adams Street, Brooklyn, New York 11021 on this 16<sup>th</sup> day of February 2021.

P R E S E N T:

HON:

LARA J. GENOVESI, J.S.C.

\_\_\_\_\_  
SAMANTHA NICOLE CHIN

Plaintiff,

-against-

GELCO FLEET TRUST, INGERSOLL-RAND COMPANY, CARLOS P. ORTIZCALLE, AND BRANDON MOORE

Defendants.

ORDER

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MOTION SEQ. # 5 & 6

Recitation, as required by CPLR §2219(a), of the papers considered in the review of this motion:

Notice of Motion/Cross Motion and Affidavits (Affirmations) Annexed \_\_\_\_\_

88-94

Opposing Affidavits (Affirmations) \_\_\_\_\_

95-96

Reply Affidavits (Affirmations) \_\_\_\_\_

NYSCEF Doc. No.:

This personal injury action arises from a motor vehicle accident that took place on August 24, 2017, wherein it is claimed that plaintiff sustained personal injuries. This action was filed with the Court on June 11, 2018. Defendants Ingersoll-Rand and James Brandon Moore filed their Answer on July 18, 2018. Defendant Carlos P. Ortizcalle filed his

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Answer on July 19, 2018. Defendant Gelco Fleet Trust was dismissed from the case by a stipulation filed with the court on September 4, 2018.

Defendant Moore was incorrectly named in the initial Complaint in 512006/2018 as Brandon Moore. In defendants' answer to plaintiff's Notice to Admit dated October 4, 2019, defendants notified plaintiff that Moore had been improperly named in the original Complaint in 512006/2018. At some time, either through a conversation or otherwise, upon counsel for defendants' information and belief, defendants' counsel informed plaintiff's counsel that James Brandon Moore's employer at the time of the motor vehicle accident was Trane, which was a subsidiary of Ingersoll-Rand.

Plaintiff filed a second action, entitled Samantha Nicole Chin v. Trane U.S. Inc. and James Brandon Moore, Kings Supreme Court Index Number 509517/2020, on June 9, 2020. The second action correctly named James Brandon Moore, and also named his employer Trane U.S. Inc. instead of the parent corporation Ingersoll-Rand.

In his September 9, 2020 deposition testimony, James Brandon Moore confirmed his proper name. He also testified that at the time of the accident, he was employed by Trane, that to his knowledge Trane was a subsidiary of Ingersoll-Rand, and that he was not further knowledgeable as to the specifics of their corporate relationship.

On December 21, 2020, plaintiff filed her motion in Motion Sequence # 5 seeking to have the two matters consolidated under Index Number 512006/2018, and to amend the caption to reflect the personal defendant's correct name of James Brandon Moore. Plaintiff's motion had the practical effect of adding James Brandon Moore's proper

employer at the time of the accident, Trane U.S. Inc., while keeping as a party the parent corporation Ingersoll-Rand.

Defendants concurred with plaintiff's motion to the extent of consolidation and the correction of the name of James Brandon Moore. However, defendants have informed the court that there has also been a corporate reorganization separating the former parent corporation Ingersoll-Rand Company from the former subsidiary corporation, Trane.

The former parent corporation Ingersoll-Rand Company is now known as Trane Technologies plc. The former subsidiary, which employed James Brandon Moore at the time of the August 24, 2017 motor vehicle accident and still employs him at this time, Trane U.S. Inc., is now known as Trane Technologies Company LLC.

Defendants filed their cross motion to amend the caption in Motion Sequence #6. They have asked this court to amend the caption to reflect that the proper corporate defendant should be named as "Trane Technologies Company LLC, individually and as successor to Ingersoll-Rand Company." Defendants' motion has the practical effect of dismissing Ingersoll-Rand from the case, but leaving defendant Moore's proper employer Trane Technologies Company LLC in the case as its successor. Neither plaintiff nor co-defendant Carlos P. Ortizcalle oppose this cross motion.

IT IS HEREBY ORDERED, without opposition, that both plaintiff's motion and defendants' cross motion are GRANTED.

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IT IS HEREBY ORDERED that these two matters, 512006/2018 and 509517/2020, shall be consolidated under the initial Index No. of 512006/2018 and the caption shall be amended to read as follows:

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS

\_\_\_\_\_  
SAMANTHA NICOLE CHIN

INDEX NO. 512006/2018

Plaintiff,

-against-

TRANE TECHNOLOGIES COMPANY LLC,  
INDIVIDUALLY AND AS SUCCESSOR TO  
INGERSOLL-RAND COMPANY, CARLOS P.  
ORTIZCALLE, and JAMES BRANDON  
MOORE

Defendants.  
\_\_\_\_\_

ENTER:



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HON LARA J. GENOVESI, J.S.C.

RECEIVED NYSCEF: 03/08/2021

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