

Ragsdale v MHP Real Estate Servs., LLC
2021 NY Slip Op 30783(U)
March 15, 2021
Supreme Court, New York County
Docket Number: 150841/2018
Judge: W. Franc Perry
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SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY

PRESENT: HON. W. FRANC PERRY

PART IAS MOTION 23EFM

Justice

-----X

CHRISTOPHER RAGSDALE,

Plaintiff,

- v -

MHP REAL ESTATE SERVICES, LLC, HNA PROPERTY HOLDINGS

Defendant.

-----X

INDEX NO. 150841/2018

MOTION DATE 05/04/2020

MOTION SEQ. NO. 001

DECISION + ORDER ON MOTION

The following e-filed documents, listed by NYSCEF document number (Motion 001) 18, 19, 20 were read on this motion to/for CONSOLIDATE/JOIN FOR TRIAL

In this personal injury action alleging violations of the Labor Law, plaintiff seeks an order pursuant to CPLR 602, consolidating for all purposes this action, with action number 2 commenced under index number 158028/2019, as both actions arise out of the same occurrence and involve common questions of law and fact. The motion is submitted to the court without opposition.

As noted by plaintiff, the defendant in action number 2 filed under index number 158028/2019, did not appear and this court issued a decision noting that defendant 850 Third Avenue Holding LLC's failure to appear resulted in a default. In its decision, however, this court noted that the matter shall be set down for an inquest and an assessment of liability and damages and directed plaintiff to cause action number 2 to be scheduled for an inquest. Since action number 2 is now sought to be consolidated with action number 1, herein, that portion of this court's decision in action number 2, dated April 27, 2020, is vacated, and the determination and assessment of liability and damages to be attributed to defendant 850 Third Avenue Holding LLC, shall be assessed at the time of trial in these consolidated actions.

Plaintiff seeks to consolidate these actions as there are common questions of law and fact and consolidation will promote judicial economy. Based on a review of the record, the actions should be consolidated. (see CPLR 602[a]). Accordingly, plaintiff's motion to consolidate is granted and it is,

ORDERED that the motion is granted and the above-captioned action is consolidated in this Court with Christopher Ragsdale vs. 850 Third Avenue Holding LLC, Index No. 158028/2019, pending in this Court; and it is further

ORDERED that the consolidation shall take place under Index No. 150841/2018 and the consolidated action shall bear the following caption:

SUPREME COURT STATE OF NEW YORK
COUNTY OF NEW YORK

-----X
CHRISTOPHER RAGSDALE

Plaintiff,

Index No. 150841/2018

-against-

MHP REAL ESTATE SERVICES, LLC, HNA
PROPERTY HOLDINGS, 850 THIRD AVENUE
HOLDINGS LLC

Defendants.

-----X

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 counsel for the movant shall contact the staff of the Clerk of the Court to arrange for the effectuation of the consolidation hereby directed; and it is further

ORDERED that service of this order upon the Clerk of the 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/suptctmanh); and it is further

ORDERED that, as applicable and insofar as is practical, the Clerk of this Court shall file the documents being consolidated in the consolidated case file under the 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 on 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 accordance with the procedures set forth in the aforesaid *Protocol*; and it is further

ORDERED that the portion of this court's decision in action number 2 filed under index number 158028/2019, that directed plaintiff to place action number 2 on the inquest calendar is vacated and the determination and assessment of liability and damages to be attributed to defendant 850 Third Avenue Holding LLC, shall be assessed at the time of trial in these consolidated actions; and it is further

ORDERED that counsel for the parties are directed to confer with one another by telephonic or electronic means, to outline any additional discovery that remains outstanding and promptly thereafter send a joint e-mail message to the clerk of Part 23 advising whether a status conference is necessary to schedule additional discovery.

3/15/2021

DATE

W. FRANC PERRY, 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	
APPLICATION:	<input type="checkbox"/>	SETTLE ORDER	<input type="checkbox"/>	SUBMIT ORDER	<input type="checkbox"/>
CHECK IF APPROPRIATE:	<input type="checkbox"/>	INCLUDES TRANSFER/REASSIGN	<input type="checkbox"/>	FIDUCIARY APPOINTMENT	<input type="checkbox"/>
					<input type="checkbox"/>
					OTHER
					REFERENCE