

<b>Metro Resources LLC v Hcin Duo Two Assoc., LLC</b>
2021 NY Slip Op 30812(U)
March 15, 2021
Supreme Court, New York County
Docket Number: 158660/2020
Judge: Louis L. Nock
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SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY

PRESENT: HON. LOUIS L. NOCK PART IAS MOTION 38EFM

Justice

METRO RESOURCES LLC,
Plaintiff,

INDEX NO. 158660/2020
MOTION DATE 02/05/2021
MOTION SEQ. NO. 001

- v -

HCIN DUO TWO ASSOCIATES, LLC, HCIN DUO TWO LESSEE, LLC DBA CANDLEWOOD SUITES TIMES SQUARE, MEVA CONTRACTING CORP., URBAN MAINTENANCE SERVICES, INC., WILMINGTON TRUST, NATIONAL ASSOCIATION, AS TRUSTEE, FOR THE BENEFIT OF THE HOLDERS OF UBSCM 2018-NYCH MORTGAGE TRUST COMMERCIAL MORTGAGE PASS-THROUGH CERTIFICATES, ABC COMPANY NO. 1 THROUGH ABC COMPANY NO. 100, JOHN DOE NO. 1 THROUGH JOHN DOE NO. 100

DECISION + ORDER ON MOTION

Defendant.

The following e-filed documents, listed by NYSCEF document number (Motion 001) 12, 13, 14, 15, 16, 17, 18, 19

were read on this motion to/for CONSOLIDATE/JOIN FOR TRIAL

Upon the foregoing documents, the motion of plaintiff Metro Resources LLC to consolidate this action with a related action captioned Mand Restoration Corp. v. HCIN Duo One Associates, LLC, HCIN Duo One Lessee, LLC, HCIN Duo Two Associates, LLC, HCIN Duo Two Lessee, LLC, HCIN Due Three Associates, LLC, and HCIN Duo Three Lessee, LLC, Infinite Safety, Quality and Construction Management Inc., Metro Resources LLC, Meva Contracting Corp., and Urban Maintenance Services Inc., Index No. 655616/2020 is granted without opposition. Consolidation is warranted because there is a substantial identity of parties between the two actions and the actions share common questions of law and fact.

Accordingly, it is

ORDERED that the motion is granted and the above-captioned action is consolidated in this Court with *Mand Restoration Corp. v. HCIN Duo One Associates, LLC, HCIN Duo One Lessee, LLC, HCIN Duo Two Associates, LLC, HCIN Duo Two Lessee, LLC, HCIN Due Three Associates, LLC, and HCIN Duo Three Lessee, LLC, Infinite Safety, Quality and Construction Management Inc., Metro Resources LLC, Meva Contracting Corp., and Urban Maintenance Services Inc.*, Index No. 655616/2020, pending in this Court; and it is further

ORDERED that the consolidation shall take place under Index No. 158660/2020 and the consolidated action shall bear the following caption:

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METRO RESOURCES LLC, and MAND RESTORATION CORP.

Plaintiffs,

- v -

HCIN DUO TWO ASSOCIATES, LLC, HCIN DUO TWO LESSEE, LLC DBA CANDLEWOOD SUITES TIMES SQUARE, MEVA CONTRACTING CORP., URBAN MAINTENANCE SERVICES, INC., WILMINGTON TRUST, NATIONAL ASSOCIATION, AS TRUSTEE, FOR THE BENEFIT OF THE HOLDERS OF UBSCM 2018-NYCH MORTGAGE TRUST COMMERCIAL MORTGAGE PASS-THROUGH CERTIFICATES, ABC COMPANY NO. 1 THROUGH ABC COMPANY NO. 100, JOHN DOE NO. 1 THROUGH JOHN DOE NO. 100, HCIN DUO ONE ASSOCIATES, LLC, HCIN DUO, ONE LESSEE, LLC, HCIN DUO TWO, ASSOCIATES, LLC, HCIN DUO TWO LESSEE, LCC, HCIN DUO THREE ASSOCIATES, LLC, HCIN DUO THREE LESSEE, LLC, INFINITE, SAFETY, QUALITY & CONSTRUCTION, MANAGEMENT INC., METRO RESOURCES, LLC, MEVA CONTRACTING CORP., URBAN, and MAINTENANCE SERVICES INC.,

Defendant.

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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 hard-copy format if this action is a hard-copy matter or, if it is an e-filed case, 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/suptmanh](http://www.nycourts.gov/suptmanh)); and it is further

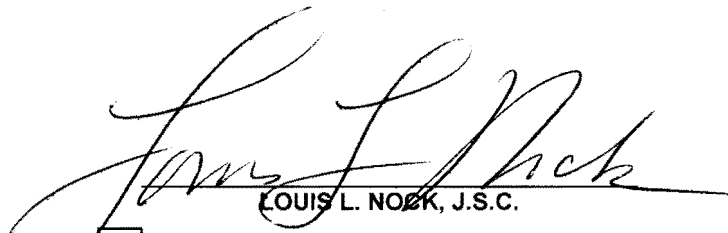
ORDERED that, as applicable and insofar as is practical, the Clerk of this Court shall file the documents being consolidated in the consolidated case file under the index number of the consolidated action in the New York State Courts Electronic Filing System or make appropriate notations of such documents 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 hard-copy format if this action is a hard-copy matter or, if it is an e-filed case, shall be made in accordance with the procedures set forth in the aforesaid *Protocol*; and it is further

ORDERED that counsel are directed to appear for a preliminary conference by Microsoft Teams on April 7, 2021 at 12:30 p.m.

3/15/2021  
DATE

  
LOUIS L. NOZK, J.S.C.

CHECK ONE:	<input type="checkbox"/>	CASE DISPOSED	<input type="checkbox"/>	DENIED	<input checked="" type="checkbox"/>	NON-FINAL DISPOSITION	<input type="checkbox"/>	OTHER
APPLICATION:	<input checked="" type="checkbox"/>	GRANTED	<input type="checkbox"/>	SETTLE ORDER	<input type="checkbox"/>	GRANTED IN PART	<input type="checkbox"/>	REFERENCE
CHECK IF APPROPRIATE:	<input type="checkbox"/>	INCLUDES TRANSFER/REASSIGN	<input type="checkbox"/>	FIDUCIARY APPOINTMENT	<input type="checkbox"/>		<input type="checkbox"/>	