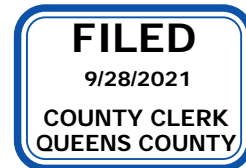


Nesbitt v Queens County Family Ct.
2021 NY Slip Op 32069(U)
September 21, 2021
Supreme Court, Queens County
Docket Number: 710551/2021
Judge: Robert J. McDonald
Cases posted with a "30000" identifier, i.e., 2013 NY Slip Op <u>30001</u> (U), are republished from various New York State and local government sources, including the New York State Unified Court System's eCourts Service.
This opinion is uncorrected and not selected for official publication.

SHORT FORM ORDER

SUPREME COURT - STATE OF NEW YORK
CIVIL TERM - IAS PART 34 - QUEENS COUNTY
25-10 COURT SQUARE, LONG ISLAND CITY, N.Y. 11101



P R E S E N T : HON. ROBERT J. MCDONALD
Justice

- - - - - x

SABRINA LADY NESBITT,

Plaintiff,

- against -

Index No.: 710551/2021
Motion Date: 09/09/2021
Motion No.:20
Motion Seq.: 5

QUEENS COUNTY FAMILY COURT,
ATTORNEY WENDY PELLE BEER, ATTORNEY
KRISTEN SPOEREL, ATTORNEY TERESA
GROGAN, ATTORNEY DAVID SCHNALL,
ATTORNEY LOIS A. MILNE, DHS
COMMISSIONER STEVEN BANK,
LIEUTENANT MICHAEL GRIZZARD, SASHA N
HOLGIN, ATTORNEY MARGARET
MULROONEY, COURT ATTORNEY TAMARA
WALKER, ACS SUPERVISOR E. LEADER, ACS
ADMINISTRATOR ANA RODRIGUEZ,
ATTORNEY DOUGLAS M. COLBERT, TRACEY
WOODS ADMINISTRATOR, JOHN
FITZGERALD NYPD, ATTORNEY BRIAN
KRIST, QUEENS COUNTY FAMILY COURT
CLERK JOHN # 9195, ACS CASEWORKER
MAURICE JOSEPH, LATANYA PELLOT,
ATTORNEY JOSEPH H. NIVIN, ACS ADRIANE
SYKES, SECURITY STEVEN KAUS,
ATTORNEY JAMIE BOWER, ATTORNEY
VLDMIR CADET, DETECTIVE MARKY, JOHN
STUBBS ASSISTANT DEPUTY CHIEF CLERK,
DHS OF HUMAN SERVICES, ACS IN NYC,
NYPD DEPARTMENT, ATTORNEY
GRIEVANCE COMMITTEE

Defendants.

- - - - - x

The following electronically filed documents read on this motion

by municipal defendants for an Order pursuant to CPLR 602(a) consolidating the following actions before the Court into this action: a. Nesbitt v. HPD, Queens Co Index No. 707913/2021; b. Nesbitt v. NYPD, Queens Co. Index No. 707914/2021; c. Nesbitt v. ACS, Queens Co. Index No. 708279/2021; d. Nesbitt v. Office of Court Administration, Queens Co. Index No. 708280/2021; e. Nesbitt v. Cadet, Queens Co. Index No. 708281/2021; f. Nesbitt v. Barley, Queens Co. Index No. 708282/2021; g. Nesbitt v. David Schnall PLLC, Queens Co. Index No. 708283/2021; h. Nesbitt v. Spoerel, Queens Co. Index No. 708284/2021; i. Nesbitt v. Office of Court Administration, Queens Co. Index No. 708285/2021; j. Nesbitt v. Bower, Queens Co. Index No. 708286/2021; k. Nesbitt v. Markey, Queens Co. Index No. 709899/2021; l. Nesbitt v. Kaus, Queens Co. Index No. 710270/2021; m. Nesbitt v. Bower, Queens Co. Index No. 710552/2021; and n. Nesbitt v. Cadet, Queens Co. Index No. 711478/2021; Pursuant to CPLR 602(b) consolidating the following actions before the Civil Court of the City of New York for Queens County into this action a. Nesbitt v. Staples, Queens Co. Civ. Ct. Index No. CV-001028-21/QU; and b. Nesbitt v. Chauncey, Queens Co. Civ. Ct. Index No. CV-001051-21/QU; and pursuant to CPLR 3211 dismissing this action as against the Municipal Defendants or, alternatively, directing Plaintiff to serve and file a more definite statement of her allegations pursuant to CPLR 3024:

Papers
Numbered

Notice of Motion-Affirmation-Exhibits.....EF 112-128

Pro-se plaintiff filed her summons and complaint in the instant action on May 7, 2021.

Movant here is a named defendant and also represents defendants Steven Banks, Michael Grizzard, Emma Leader, Ana Rodriguez, John Fitzgerald, Maurice Joseph, Adriane Sykes, the New York City Police Department and Departments of Homeless Services, the New York City Administration for Children's Services (the "Municipal Defendants").

This instant action appears to relate to the disappearance of plaintiff's son.

Consolidation

Plaintiff filed the instant summons and complaint on May 7,

2021.

Plaintiff filed her summons and complaint in index number 707913/2021 on April 6, 2021.

Plaintiff filed her summons and complaint in index number 707914/2021 on April 6, 2021.

Plaintiff filed her summons and complaint in index number 708279/2021 on April 9, 2021.

Plaintiff filed her summons and complaint in index number 708280/2021 on April 9, 2021.

Plaintiff filed her summons and complaint in index number 708281/2021 on April 9, 2021.

Plaintiff filed her summons and complaint in index number 708282/2021 on April 9, 2021.

Plaintiff filed her summons and complaint in index number 708283/2021 on April 9, 2021.

Plaintiff filed her summons and complaint in index number 708284/2021 on April 9, 2021.

Plaintiff filed her summons and complaint in index number 708285/2021 on April 9, 2021.

Plaintiff filed her summons and complaint in index number 708286/2021 on April 6, 2021.

Plaintiff filed her summons and complaint in index number 709899/2021 on April 29, 2021.

Plaintiff filed her summons and complaint in index number 710270/2021 on May 5, 2021.

Plaintiff filed her summons and complaint in index number 710552/2021 on May 7, 2021.

Plaintiff filed her summons and complaint in index number 711478/2021 on May 19, 2021.

Plaintiff filed her summons and complaint in Queens County Civil Court under index number CV-001028-21/QU on January 13, 2021.

Plaintiff filed her summons and complaint in Queens County

Civil Court under index number CV-001051/QU on January 14, 2021.

Here, the instant summons and complaint was filed on May 7, 2021. Any application for consolidation should be made under the oldest index number.

Dismissal

General Municipal Law § 50-e requires that a notice of claim be served within 90 days after a tort claim arises against a municipality.

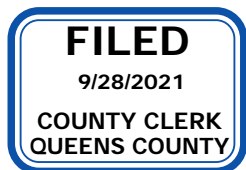
Here, movant states that no notice of claim was filed by the plaintiff. Thus, this Court lacks jurisdiction to hear any claims by plaintiff made against the Municipal Defendants.

No opposition has been filed.

Accordingly, the branch of movant's motion to consolidate this action with others filed by the plaintiff is denied with leave to renew under the oldest index number; and it is further

ORDERED, that the branch of plaintiff's motion seeking to dismiss the action as against the movant Brian Krist and the municipal defendants Steven Banks, Michael Grizzard, Emma Leader, Ana Rodriguez, John Fitzgerald, Maurice Joseph, Adriane Sykes, the New York City Police Department and Departments of Homeless Services, the New York City Administration for Children's Services is granted, and the Clerk of the Court shall enter judgment accordingly.

Dated: September 21, 2021
Long Island City, N.Y.



Robert J. McDonald
ROBERT J. MCDONALD
J.S.C.