

Yorkshire House Assoc., LLC v Soho Contr. Corp.
2021 NY Slip Op 32844(U)
December 9, 2021
Supreme Court, New York County
Docket Number: Index No. 657145/2020
Judge: Andrew Borrok
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SUPREME COURT OF THE STATE OF NEW YORK NEW YORK COUNTY

PRESENT: <u>HON. ANDREW BORROK</u> <i>Justice</i> -----X YORKSHIRE HOUSE ASSOCIATES, LLC Plaintiff, - v - SOHO CONTRACTING CORP., Defendant. -----X	PART 53 INDEX NO. <u>657145/2020</u> MOTION DATE <u>03/12/2021,</u> <u>04/05/2021</u> MOTION SEQ. NO. <u>001 002</u> DECISION + ORDER ON MOTION
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The following e-filed documents, listed by NYSCEF document number (Motion 001) 5, 6, 7, 8, 9, 10, 11, 12, 13, 14

were read on this motion to/for DISMISSAL.

The following e-filed documents, listed by NYSCEF document number (Motion 002) 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29

were read on this motion to/for AMEND CAPTION/PLEADINGS.

Soho Contracting Corp. (**Soho**) withdraws their motion to dismiss (Mtn. Seq. No. 001) without prejudice. The second filing of amended complaint (the **Amended Complaint**; NYSCEF Doc. No. 29) is the designated amended complaint in this action. At oral argument (12.9.21), counsel for Soho indicated that she accepted service of the Amended Complaint on Soho's behalf. The branch of Yorkshire House Associates, LLC's (**Yorkshire**) motion seeking an extension to respond, pursuant to CPLR 2004, is denied as moot. The branch of Yorkshire's motion seeking consolidation of this action with the action titled *Soho Contracting Corp. v Yorkshire House Associates LLC, and U.S. Specialty Insurance Company*, Index No. 151851/2021 is granted for the reasons stated on the record (12.9.21).

Accordingly, it is

ORDERED that Soho Contracting Corp.'s motion to dismiss (Mtn. Seq. No. 001) is withdrawn without prejudice; and it is further

ORDERED that the branch of Yorkshire House Associates, LLC's motion seeking an extension to respond is denied as moot; and it is further

ORDERED that Soho Contracting Corp. will file a responsive pleading by January 7, 2022; and it is further

ORDERED that the parties will appear for a remote status conference on January 27, 2022; and it is further

ORDERED that the branch of Yorkshire House Associates, LLC's motion seeking consolidation is granted and the above-captioned action is consolidated in this Court with Soho Contracting Corp. vs. Yorkshire House Associates LLC, and U.S. Specialty Insurance Company, Index No. 151851/2021, pending in this Court; and it is further

ORDERED that the consolidation shall take place under Index No. 657145/2020 and the consolidated action shall bear the following caption:

Yorkshire House Associates, LLC,

Plaintiffs,

-against-

Soho Contracting Corp.,

Defendants

-and-

Soho Contracting Corp.

Third Party Plaintiffs,

-against-

Yorkshire House Associates, LLC and U.S. Specialty Insurance Company

Third Party Defendants.

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/supctmanh); 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

12/9/2021

DATE

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ANDREW BORROK, J.S.C.