

Fordec Realty Corp. v Wilkofsky, Friedman, Karel & Cummins

2022 NY Slip Op 30074(U)

January 6, 2022

Supreme Court, New York County

Docket Number: Index No. 652429/2021

Judge: Andrew Borrok

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This opinion is uncorrected and not selected for official publication.

SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY

PRESENT: HON. ANDREW BORROK PART 53

Justice

-----X

FORDEC REALTY CORP.

Plaintiff,

- v -

WILKOFSKY, FRIEDMAN, KAREL & CUMMINS,

Defendant.

-----X

INDEX NO. 652429/2021
MOTION DATE 09/09/2021
MOTION SEQ. NO. 001

DECISION + ORDER ON MOTION

The following e-filed documents, listed by NYSCEF document number (Motion 001) 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34

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

The motion is granted as unopposed. The two actions involving the same parties and the same retainer agreement, arise from related issues of law and the same nucleus of operative facts (Bernstein v Silverman, 228 AD2d 325, 325 [1st Dept 1996]). Therefore, the motion to consolidate the instant case with Wilkofsky, Friedman, Karel & Cummins v Fordec Realty Corp., Supreme Court, New York County Index No. 653153/2021 must be granted.

Accordingly, it is

ORDERED that the motion is granted and the above-captioned action is consolidated in this Court with Wilkofsky, Friedman, Karel & Cummins vs. Fordec Realty Corp., Index No. 653153/2021, pending in this Court; and it is further

ORDERED that the consolidation shall take place under Index No. 652429/2021 and the consolidated action shall bear the following caption:

Fordec Realty Corp.

Plaintiffs,

-against-

Wilkofsky, Friedman, Karel & Cummins

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

ORDERED that counsel are directed to appear for a remote preliminary conference on February 9, 2022, at 11:30 AM.


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1/6/2022
DATE

ANDREW BORROK, J.S.C.

CHECK ONE:

CASE DISPOSED

NON-FINAL DISPOSITION

GRANTED

DENIED

GRANTED IN PART

OTHER

APPLICATION:

SETTLE ORDER

SUBMIT ORDER

CHECK IF APPROPRIATE:

INCLUDES TRANSFER/REASSIGN

FIDUCIARY APPOINTMENT

REFERENCE