

<b>Ceballo v Bannerman</b>
2022 NY Slip Op 30380(U)
January 12, 2022
Supreme Court, New York County
Docket Number: Index No. 805157/2020
Judge: Judith N. McMahon
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**SUPREME COURT OF THE STATE OF NEW YORK  
NEW YORK COUNTY**

PRESENT: HON. JUDITH MCMAHON PART 30M

Justice

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INDEX NO. 805157/2020

YVETTE STERLING CEBALLO,  
Plaintiff,

MOTION DATE N/A

MOTION SEQ. NO. 001

- v -

CHRISTIAN BANNERMAN, JONATHAN ALTUS, ANTHONY  
LYON, ROBERT DEAN, SOUTH NASSAU COMMUNITIES  
HOSPITAL, FREDERICK LICCARDI, NYU LANGONE  
MEDICAL CENTER, NYU FERTILITY CENTER

**DECISION + ORDER ON  
MOTION**

Defendant.

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The following e-filed documents, listed by NYSCEF document number (Motion 001) 66, 67, 68, 69, 70, 71, 72

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

Upon the foregoing documents,

Plaintiff's motion (sequence #001), pursuant to CPLR 602, seeking to consolidate this action with an action pending in Supreme Court, Nassau County under index number 607040/2021, is granted unopposed as detailed herein.

"There is a preference for consolidation in the interest of judicial economy where there are common questions of law and fact, unless the party opposing the motion demonstrates that consolidation will prejudice a substantial right." *Kukielka v. Santana*, 191 A.D.3d 532, 138 N.Y.S.3d 335 (N.Y.A.D. 1<sup>st</sup> Dept. 2021).

All Defendants in both actions have agreed to the consolidation via a stipulation efiled as an exhibit to the motion.

ORDERED that the motion is granted and the above-captioned action is consolidated in this Court with The Estate of Yvette Sterling-Ceballo, Deceased, by Richard Ceballo as

Administrator and Individually v. Stephen Henesch, D.O. and David Pfeffer, M.D, Index No. 607040/2021, pending in Supreme Court, Nassau County; and it is further

ORDERED that the consolidation shall take place under the New York County Index No. 805157/2020 and the consolidated action shall bear the following caption:

**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK**

**Index #: 805157/2020**

**The Estate of YVETTE STERLING-CEBALLO, Deceased, by RICHARD CEBALLO as Administrator and Individually,**

**Plaintiffs,**

**-against-**

**CHRISTIAN BANNERMAN, M.D., JONATHAN ALTUS, M.D., ANTHONY LYONS, M.D., ROBERT DEAN, M.D., SOUTH NASSAU COMMUNITIES HOSPITAL, FREDERICK LICCARDI, M.D., NYU LANGONE MEDICAL CENTER AND NYU FERTILITY CENTER, STEPHEN HENESCH, D.O. and DAVID PFEFFER, M.D,  
Defendants.**

And it is further

ORDERED that, within 30 days from entry of this order, counsel for the movant shall serve a certified copy of this order upon the Clerk of the Supreme Court, Nassau County, and shall pay the appropriate fee, if any, for such transfer and shall contact the staff of said Clerk to arrange for the effectuation of the transfer in an efficient manner; and it is further

ORDERED that service upon the Clerk of the Supreme Court, Nassau County shall be made in accordance with any applicable protocol or other procedures of said county; and it is further

ORDERED that the Clerk of the Supreme Court, Nassau County, shall transfer the documents on file under Index No. 607040/2021 to the Clerk of this Court for the purpose of consolidation; and it is further

ORDERED that the Clerk of the Supreme Court, Nassau County and the Clerk of this court shall coordinate the transfer of the documents being transferred so as to ensure an efficient transfer and to minimize insofar as practical the reproduction of such documents, including with regard to any documents that may be in digital format; 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 such service upon the Clerk of the Court shall be made in hard-copy format if the case pending in this county is a hard-copy case or, if this case is an e-filed one, 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 this court's website at the address [www.nycourts.gov/suptctmanh](http://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 transferred from the Supreme Court, Nassau County in the consolidated case file under the New York County 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

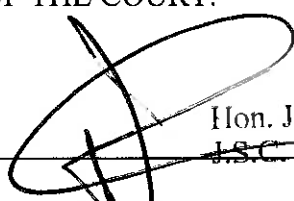
ORDERED that, within 30 days from entry of this order, movant shall serve a copy of this order with notice of entry upon the Clerk of the General Clerk's Office (60 Centre Street, Room 119), who is hereby directed to reflect the consolidation by appropriately marking the court's records; and it is further

ORDERED that such service upon the Clerk of the General Clerk's Office shall be made in hard-copy format if the case pending in this county is a hard-copy case or, if the case pending here is an e-filed one, 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 virtual conference on March 23, 2022, at 4 PM.

THIS IS THE DECISION AND ORDER OF THE COURT.

1/12/2022  
DATE

  
Hon. Judith N. McMahon  
J.S.C.

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