

**Jimenez v RCPI Landmark Props., L.L.C.**

2023 NY Slip Op 32743(U)

August 7, 2023

Supreme Court, New York County

Docket Number: Index No. 156631/2020

Judge: Leslie A. Stroth

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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. LESLIE A. STROTH PART 12**  
*Justice*

-----X

SALVADOR GONZALEZ JIMENEZ,  
Plaintiff,

- v -

RCPI LANDMARK PROPERTIES, L.L.C., RCPI HOLDCO  
LCC, RCPI HOLDCO, L.L.C., TISHMAN SPEYER  
PROPERTIES, LP, CJS INDUSTRIES INC.,  
Defendant.

-----X

RCPI HOLDCO LCC, RCPI HOLDCO, L.L.C., TISHMAN  
SPEYER PROPERTIES, LP, CJS INDUSTRIES INC., RCPI  
LANDMARK PROPERTIES, L.L.C.

Plaintiff,

-against-

CEDAR ELECTRICAL CONTRACTORS, INC; CONNECT  
DRYWALL & ACOUSTICS CORP

Defendant.

-----X

INDEX NO. 156631/2020  
MOTION DATE 04/14/2023  
MOTION SEQ. NO. 001

**DECISION + ORDER ON  
MOTION**

Third-Party  
Index No. 595122/2022

The following e-filed documents, listed by NYSCEF document number (Motion 001) 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61

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

Upon the foregoing cited papers, plaintiff's motion to consolidate is granted. The plaintiff is the same in each action, and each action arose out of the same construction accident that allegedly occurred on October 25, 2019.

Plaintiff has alleged in both matters that he was engaged in construction work when he was struck by a hanging live wire, causing him to sustain serious injuries. The actions sought to be consolidated arise from the same alleged injuries and involve identical claims sounding in Labor

Law against different parties. Moreover, it is evident that common questions of law and fact exist in the above actions, and that both cases arise out of the same accident.

Third-party defendant Cedar Electrical Contractors, Inc. (Cedar) does not oppose the consolidation of the related actions. No other party submits opposition. Therefore, given the common issues of law and fact that predominate in both actions, consolidation is warranted in this matter and will serve to promote judicial economy. *See* CPLR 602.

However, Cedar partially opposes the motion only to the extent that plaintiff improperly names Cedar as the first named defendant in its proposed new caption. Plaintiff does not reply to Cedar's partial opposition. Therefore, plaintiff's motion is granted and the caption is amended, but the Court accepts Cedar's proposed amended caption, which includes Cedar at the end of the caption, as the newly included defendant.

Accordingly, it is

ORDERED that the motion is granted, and the above-captioned action is consolidated in this Court with *Salvador Gonzalez Jimenez v Cedar Electrical Contractors, Inc.*, Index No. 154240/2022, pending in this Court; and it is further

ORDERED that the consolidation shall take place under Index No. 156631/2020 and the consolidated action shall bear the following caption:

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SALVADOR GONZALEZ JIMENEZ,

Plaintiff,

- v -

RCPI LANDMARK PROPERTIES, L.L.C., RCPI HOLDCO  
LCC, RCPI HOLDCO, L.L.C., TISHMAN SPEYER  
PROPERTIES, LP, CJS INDUSTRIES INC., CEDAR  
ELECTRICAL CONTRACTORS, INC,

Defendant.  
-----X

RCPI HOLDCO LCC, RCPI HOLDCO, L.L.C., TISHMAN  
SPEYER PROPERTIES, LP, CJS INDUSTRIES INC., RCPI  
LANDMARK PROPERTIES, L.L.C.

Third-Party  
Index No. 595122/2022.

Plaintiff,

-against-

CEDAR ELECTRICAL CONTRACTORS, INC, CONNECT  
DRYWALL & ACOUSTICS CORP

Defendant.  
-----X

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](http://www.nycourts.gov/supctmanh)); and it is further

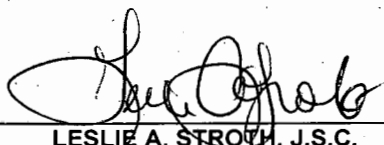
ORDERED that, as applicable and insofar as is practical, the Clerk of this Court shall file the documents being consolidated in the consolidated case file under the index number of the consolidated action in the New York State Courts Electronic Filing System or make appropriate notations of such documents 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 the clerk shall schedule the matter for a discovery conference on the next available date.

This constitutes the decision and order of the Court.

  
LESLIE A. STROTH, J.S.C.

8/7/2023  
DATE

CHECK ONE:

CASE DISPOSED  
GRANTED  
DENIED  
SETTLE ORDER  
INCLUDES TRANSFER/REASSIGN

NON-FINAL DISPOSITION  
GRANTED IN PART  
SUBMIT ORDER  
FIDUCIARY APPOINTMENT

OTHER  
REFERENCE

APPLICATION:

CHECK IF APPROPRIATE: