

Kozhukhar v Gramercy Park Residence Corp.
2023 NY Slip Op 33826(U)
October 27, 2023
Supreme Court, New York County
Docket Number: Index No. 158376/2022
Judge: Mary V. Rosado
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**SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY**

PRESENT: HON. MARY V. ROSADO

PART

33M

Justice

-----X

ANDRII KOZHUKHAR,

Plaintiff,

INDEX NO. 158376/2022MOTION DATE 05/09/2023MOTION SEQ. NO. 003

- v -

GRAMERCY PARK RESIDENCE CORP., J & C LAMB
MANAGEMENT CORP., TROJAN INTERIORS INC., LCP
MANAGEMENT CORP., WORLD CLASS DEMOLITION
CORPORATION, WCD SERVICES CORP, WORLD CLASS
CONTRACTING GROUP INC., LOWER MANHATTAN
GASTROENTEROLOGY GROUP, P.C., LAWRENCE
OTTAVIANO

**DECISION + ORDER ON
MOTION**

Defendant.

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The following e-filed documents, listed by NYSCEF document number (Motion 003) 64, 65, 66, 67
were read on this motion to/for AMEND CAPTION/PLEADINGS.

Upon the foregoing documents, there being no opposition, and good cause having been shown, Plaintiff Andrii Kozhukhar's ("Plaintiff") motion for an Order amending the caption, Second Supplemental Summons and Second Amended Verified Complaint herein to add a new defendant, A.L. Electrical Corp. ("A.L."), is granted.

Leave to amend pleadings is freely granted in the absence of prejudice if the proposed amendment is not palpably insufficient as a matter of law (*Mashinsky v Drescher*, 188 AD3d 465 [1st Dept 2020]). A party opposing a motion to amend must demonstrate that it would be substantially prejudiced by the amendment, or the amendments are patently devoid of merit (*Greenburgh Eleven Union Free School Dist. V National Union Fire Ins. Co.*, 298 AD2d 180, 181 [1st Dept 2002]). Delay alone is not sufficient to deny leave to amend (*Johnson v Montefiore Medical Center*, 203 AD3d 462 [1st Dept 2022]).

Here, there is no opposition to Plaintiff's motion seeking to add A.L. as an additional defendant, and no party has shown how they might be prejudiced by allowing Plaintiff to amend the Second Supplemental Summons and Second Amended Verified Complaint herein. Therefore, Plaintiff's motion to amend the caption, Second Supplemental Summons and Second Amended Verified Complaint herein is granted.

Accordingly, it is hereby,

ORDERED that Plaintiff Andrii Kozhukhar's motion for an Order amending the caption, Second Supplemental Summons and Second Amended Verified Complaint herein to add A.L. Electrical Corp. as an additional defendant, is granted; and it is further

ORDERED that Plaintiff's Third Supplemental Summons and Third Amended Complaint annexed as Exhibit B to Plaintiff's moving papers (NYSCEF Doc. 67) shall be deemed served upon Defendants upon service of a copy of this Order with notice of entry thereof; and it is further

ORDERED that Plaintiff shall serve the newly added defendant, A.L. Electrical Corp., pursuant to the directives of the CPLR; and it is further

ORDERED that Defendant A.L. Electrical Corp. shall serve an answer to the Third Amended Complaint or otherwise respond thereto within 20 days from the date of said service; and it is further

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ORDERED that this action shall bear the following caption:

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

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ANDRII KOZHUKHAR,

Plaintiff

-against-

GRAMERCY PARK RESIDENCE CORP., J & C LAMB
MANAGEMENT CORP., TROJAN INTERIORS INC., LCP
MANAGEMENT CORP., WORLD CLASS DEMOLITION
CORPORATION, WCD SERVICES CORP, WORLD CLASS
CONTRACTING GROUP INC., DR. LAWRENCE
OTTAVIANO, LOWER MANHATTAN
GASTROENTEROLOGY GROUP, P.C. and A.L. ELECTRICAL
CORP.,

Defendants.

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And it is further;

ORDERED that on or before December 19, 2023, the parties shall submit a proposed Compliance Conference Order via e-mail to SFC-Part33-Clerk@nycourts.gov. If the parties are unable to agree to a proposed Compliance Conference Order, the parties are directed to appear for an in-person compliance conference on December 20, 2023 at 9:30 a.m. in Room 442, 60 Centre Street, New York, New York; and it is further

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ORDERED that within 10 days of entry, counsel for Plaintiff Andrii Kozhukhar shall serve a copy of this Order, with notice of entry, on all parties to this action; and it is further

ORDERED that the Clerk of the Court is directed to enter judgment accordingly.

This constitutes the Decision and Order of the Court.

<u>10/27/2023</u>		<u>May V Rosado JSC</u>	
DATE		HON. MARY V. ROSADO, 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