

Cavallo v 1515 Broadway Owner LP

2024 NY Slip Op 31908(U)

May 29, 2024

Supreme Court, New York County

Docket Number: Index No. 160609/2019

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 12M

Justice

-----X

MICHAEL CAVALLO,

Plaintiff,

- v -

1515 BROADWAY OWNER LP, SL GREEN REALTY
CORP., VIACOM INC., CLUNE CONSTRUCTION
COMPANY, L.P., THE REIDY GROUP, INC.,

Defendant.

-----X

THE REIDY GROUP, INC.

Third-Party Plaintiff,

-against-

PARK SQUARE ELECTRIC CORP.

Third-Party Defendant.

-----X

**DECISION + ORDER ON
MOTION**

Third-Party
Index No. 596005/2022

The following e-filed documents, listed by NYSCEF document number (Motion 001) 57, 58, 59, 60, 61, 62, 63, 64, 65

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

Plaintiff commenced this labor law action for injuries allegedly sustained on June 11, 2019 while performing construction work after tripping on a bolt in an electrical closet. Defendant/Third-party plaintiff Reidy Contracting Group, LLC moves here, pursuant to CPLR 602, to consolidate this action with a subsequent action *Michael Cavallo v. Park Square Electric Corp.*, Index Number 154782/2022. Reidy Contracting argues that plaintiff's allegations against Park Square in the second complaint are identical to those raised against defendants in the instant matter.

Pursuant to CPLR 602, “When actions involving a common question of law or fact are pending before a court, the court, upon motion, may order a joint trial of any or all the matters in issue, may order the actions consolidated, and may make such other orders concerning proceedings therein as may tend to avoid unnecessary costs or delay.” The Court finds that 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. The plaintiff is the same in each action, and each action arose out of the same incident that allegedly occurred on June 11, 2019, involving third-party defendant Park Square Electric Corp. Upon the foregoing cited papers, defendant Reidy Contracting Group’s motion to consolidate is granted, without opposition.

Accordingly, it is hereby

ORDERED that the motion is granted, and the above-captioned action is consolidated in this Court with *Michael Cavallo v. Park Square Electric Corp.*, Index Number 154782/2022; and it is further

ORDERED that the consolidation shall take place under Index No. 160609/2019 and the consolidated action shall bear the following caption:

-----X
MICHAEL CAVALLO,

Plaintiff,

-against-

1515 BROADWAY OWNER LP, SL GREEN
REALTY CORP., VIACOMCBS INC.,
CLUNE CONSTRUCTION COMPANY, L.P.
THE REIDY GROUP, INC., and PARK
SQUARE ELECTRIC CORP.,

Defendants.

-----X

REIDY CONTRACTING GROUP, LLC
i/s/h/a THE REIDY GROUP, INC.,

Third-Party Plaintiffs,

-against

PARK SQUARE ELECTRIC CORP.,

Third-Party Defendant.

-----X
MICHAEL CAVALLO,

Fourth-Party Plaintiff,

-against-

PARK SQUARE ELECTRIC CORP.,

Fourth-Party 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 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.

This constitutes the decision and order of the Court.

5/29/2024
DATE


HON. LESLIE A. STROTH
J.S.C.

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