

Park Royal I LLC v Wells Fargo Bank, N.A.

2024 NY Slip Op 32015(U)

June 11, 2024

Supreme Court, New York County

Docket Number: Index No. 655404/2021

Judge: Joel M. Cohen

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This opinion is uncorrected and not selected for official publication.

SUPREME COURT OF THE STATE OF NEW YORK
 COUNTY OF NEW YORK: COMMERCIAL DIVISION PART 03M

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PARK ROYAL I LLC, PARK ROYAL II LLC,	INDEX NO. <u>655404/2021</u>
Plaintiffs,	MOTION DATE <u>04/03/2024</u>
- v -	MOTION SEQ. NO. <u>005</u>
WELLS FARGO BANK, N.A., LAW DEBENTURE TRUST COMPANY OF NEW YORK, AS TRUSTEE (AND ANY PREDECESSORS OR SUCCESSORS THERETO), TMI TRUST COMPANY, AS TRUSTEE (AND ANY PREDECESSORS OR SUCCESSORS THERETO),	DECISION + ORDER ON MOTION
Defendants.	

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HON. JOEL M. COHEN:

The following e-filed documents, listed by NYSCEF document number (Motion 005) 159, 160, 161, 162, 163, 164, 165, 166, 167

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

Under CPLR 602, this Court has the authority to order the consolidation of actions “involving a common question of law or fact” (CPLR 602[a]). This section “vests a trial court with discretion,” and consolidation “is appropriate ‘where it will avoid unnecessary duplication of trials, save unnecessary costs and expense and prevent the injustice which would result from divergent decisions based on the same facts’” (*Sokolow v Lacher*, 299 AD2d 64, 73-74 [1st Dept 2002] [quoting *Chinatown Apts., Inc. v N.Y.C. Trans. Auth.*, 100 AD2d 824, 825 [1st Dept 1984]). Here, the consolidation of the four actions—bearing Index Numbers 655404/2021, 654920/2022, 650430/2023, and 651284/2023—all involve substantially the same parties and the same facts. No party named in the Second Amended Consolidated Complaint (NYSCEF 146) opposes the instant motion (NYSCEF 158).

Accordingly, it is

ORDERED that Plaintiffs motion to consolidate is **granted**, and the above-captioned action is consolidated with (i) *Park Royal II LLC v Wells Fargo, N.A., et al.*, Index No. 654920/2022; (ii) *Park Royal II LLC v. Wells Fargo, N.A., et al.*, Index No. 650430/2023; and (iii) *Park Royal I LLC, et al. v Wells Fargo, N.A., et al.*, Index No. 651284/2023, pending in this Court; and it is further

ORDERED that the consolidation shall take place under Index No. 655404/2021, and the consolidated action shall bear the following caption:

PARK ROYAL I LLC, PARK ROYAL II LLC,

Plaintiffs,

- v -

WELLS FARGO BANK, N.A., AS TRUSTEE (AND ANY PREDECESSORS OR SUCCESSORS THERETO), LAW DEBENTURE TRUST COMPANY OF NEW YORK, AS TRUSTEE (AND ANY PREDECESSORS OR SUCCESSORS THERETO), TMI TRUST COMPANY, AS TRUSTEE (AND ANY PREDECESSORS OR SUCCESSORS THERETO), DELAWARE TRUST COMPANY, AS TRUSTEE (AND ANY PREDECESSORS OR SUCCESSORS THERETO),

Defendants.

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 14 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 the case 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

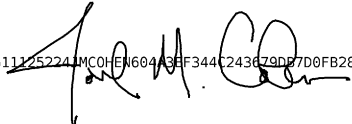
ORDERED that service of this order upon the Clerk of the Court shall be made in hard-copy format if this action is a hard-copy matter or, if it is an e-filed case, shall be made in accordance with the procedures set forth in the *Protocol on Courthouse and County Clerk Procedures for Electronically Filed Cases* (accessible at the “E-Filing” page on the court’s website at the address www.nycourts.gov/suptctmanh); 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 14 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.

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JOEL M. COHEN, J.S.C.

6/11/2024
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: