

Corletto v Navillus Title Inc.

2024 NY Slip Op 33450(U)

August 28, 2024

Supreme Court, New York County

Docket Number: Index No. 151573/2024

Judge: Jeanine R. Johnson

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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. JEANINE R. JOHNSON PART 52-M

Justice

-----X

GEORGE CORLETTO,

Plaintiff,

- v -

NAVILLUS TITLE INC., NAVILLUS CONTRACTING INC., MLJ CONTRACTING CORP., JABLONSKI BUILDING CONSERVATION, INC., NEW YORK CITY DEPARTMENT OF TRANSPORTATION, THE CITY OF NEW YORK, INTEGRATED CONSERVATION RESOURCES, INC., INTEGRATED CONSERVATION CONTRACTING, INC.,

Defendant.

-----X

NEW YORK CITY DEPARTMENT OF TRANSPORTATION, THE CITY OF NEW YORK

Defendant/Third-Party Plaintiff,

-against-

PULLMAN SST, INC.

Third Party Defendant.

-----X

DECISION + ORDER ON MOTION

Third-Party Index No. 595756/2024

The following e-filed documents, listed by NYSCEF document number (Motion 001) 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52

were read on this motion to/for AMEND CAPTION/PLEADINGS

Upon the foregoing documents,

Plaintiff's motion to supplement the summons and amend the complaint is granted without opposition. CPLR § 3025(b) states "A party may amend his or her pleading or supplement it by setting forth additional or subsequent transactions or occurrences, at any time by leave of court or by stipulation of all parties. Leave shall be freely given upon such terms as may be just including the granting of costs and continuances. Any motion to amend or supplement pleadings shall be accompanied by the proposed amended or supplemental pleading clearly showing the changes or additions to be made to the pleading." See Fahey v County of

Ontario, 44 NY2d 934 (1978) (“Leave to amend shall be freely given absent prejudice or surprise resulting directly from the delay”); *Briggs v NYC Transit Authority*, 132 AD2d 451 (1st Dept 1987). This Court finds that there is no prejudice or surprise resulting from the Plaintiff’s request for an amendment to the complaint to add NAVILLUS/MLJ A JOINT VENTURE.

In accordance with the stipulation of partial discontinuance signed and dated April 2, 2024 (NYSCEF Doc. No. 32) this action has been discontinued without prejudice against Defendant, INTERGRATED CONSERVATION RESOURCES, INC.,

In accordance with the stipulation of partial discontinuance signed and dated April 18, 2024 (NYSCEF Doc. No. 35) this action has been discontinued without prejudice against Defendant, INTERGRATED CONSERVATION CONTRACTING INC.

In accordance with the stipulation of partial discontinuance signed and dated May 16, 2024 (NYSCEF Doc. No. 36) this action has been discontinued without prejudice against Defendant, JABLONSKI BUILDING CONSERVATION, INC.

On April 17, 2024, a Consent to Change Attorney (NYSCEF Doc. No. 31) was filed. Mcelroy, Deutsch, Mulvaney & Carpenter, LLP was substituted as counsel for the Defendants, THE CITY OF NEW YORK and NEW YORK CITY DEPARTMENT OF TRANSPORTATION. No party is represented by the Office of the Corporation Counsel (the New York City Law Department).

Accordingly, it is hereby

ORDERED that the Plaintiff’s motion for leave to supplement the summons and amend the complaint is granted; it is further

ORDERED that the caption be amended to reflect the addition of the Defendant, NAVILLUS/MLJ A JOINT VENTURE and the dismissal of INTERGRATED CONSERVATION RESOURCES, INC., INTERGRATED CONSERVATION CONTRACTING INC., and JABLONSKI BUILDING CONSERVATION, INC. and that all future papers filed with the court bear the amended caption; it is further;

ORDERED that the action shall bear the following caption:

-----X

GEORGE CORLETTO,

Plaintiff,

- v -

NAVILLUS TITLE INC., NAVILLUS
CONTRACTING INC., MLJ CONTRACTING
CORP., NEW YORK CITY DEPARTMENT OF
TRANSPORTATION, THE CITY OF NEW YORK,
NAVILLUS/MJA A JOINT VENTURE

Defendant.

-----X

NEW YORK CITY DEPARTMENT OF
TRANSPORTATION, THE CITY OF NEW YORK

Third-Party
Index No. 595756/2024

Defendant/Third-Party

Plaintiff,

-against-

PULLMAN SST, INC.

Third Party Defendant.

-----X

ORDERED that this action, including any pending motions, is remitted to the General Clerk's Office for reassignment to a General IAS Part; it is further

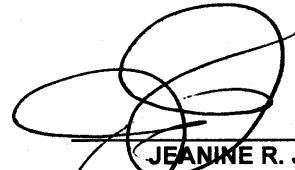
ORDERED that counsel for the moving party shall serve a copy of this order with notice of entry upon the Clerk of the Court, who are directed to mark the court's records to reflect the change in the caption herein; and it is further

ORDERED that such service 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).

This constitutes the Decision and Order of the Court.

8/28/2024

DATE



JEANINE R. JOHNSON, 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