

Sanchez v Ridgewood Tower III LLC
2024 NY Slip Op 35376(U)
October 3, 2024
Supreme Court, Queens County
Docket Number: Index No. 725329/2021
Judge: Anna Culley
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Short Form Order

NEW YORK SUPREME COURT - QUEENS COUNTY

Present: HONORABLE ANNA CULLEY IA Part 27
Justice

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ISRAEL SANCHEZ,

Index
Number 725329/2021

Plaintiff,

Motion
Date October 1, 2024

-against-

RIDGEWOOD TOWER III LLC, RIDGEWOOD
TOWER II LLC, RIDGEWOOD TOWER
DEVELOPMENT GROUP LLC, AB CAPSTONE
BUILDERS CORP., RISE DEVELOPMENT
PARTNERS, LLC, LICKEN CONSULTING CORP.,
CAPSTONE CONTRACTING CORP. AND
INFINITE CONSULTING CORP.,

Motion Seq. No. 4

Defendants.

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RIDGEWOOD TOWER III LLC, RIDGEWOOD
TOWER II LLC, and AB CAPSTONE BUILDERS
CORP.,

Third-Party Plaintiffs,

-against-

APLITE INDUSTRIES, INC.,

Third-Party Defendant.

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The following numbered papers read on this motion by plaintiff for an order 1) Pursuant to CPLR 602, consolidating for all purposes Action #1 bearing Index Number 725329/2021, with Action #2 bearing Index Number 708165/2024, amending the caption to reflect the consolidation, and deeming the consolidated action to have Index Number 725329/2021 with venue in Queens County; 2) if the consolidation of Actions #1 and #2 sought above is denied, then the alternative consolidating Actions # 1 and #2 to the extent that they should be jointly tried, amending the caption to reflect the consolidation, and deeming the consolidated action to have Index Number 725329/2021 with venue in Queens County; 3) scheduling a conference for the consolidated action so that a

discovery schedule covering all the parties can be put in place; 4) restoring the case to active status and lifting the stay.

Papers
Numbered

Notice of Motion - Affidavits - Exhibits EF 135-149

Upon the foregoing papers, it is ordered that the motion is determined as follows:

The motion by plaintiff Israel Sanchez to consolidate the above matter with a related action pending in Queens County Supreme entitled *Israel Sanchez v. Myrtle Point CMLLC, Rise Concrete LLC, Ridgewood Tower LLC, Arch Builders LLC, Infinite Safety Quality And Construction MGMT INC., and Target Corporation* (Index No. 708165/2024) is granted without opposition, for all purposes.

“A motion to consolidate two or more actions rests within the sound discretion of the trial court.” (*Rhoe v Reid*, 166 AD3d 919, 921 [2d Dept 2018] [internal quotation marks omitted]; *see American Home Mtge. Servicing, Inc. v Sharrocks*, 92 AD3d 620 [2d Dept 2012].) “Where common questions of law or fact exist, a motion [pursuant to CPLR 602 (a)] to consolidate or for a joint trial should be granted, absent a showing of prejudice to a substantial right by the party opposing the motion.” (*Bruno v Capetola*, 101 AD3d 785, 786 [2d Dept 2012] [internal quotation marks and brackets omitted]; *see Rhoe v Reid, supra.*)

The two actions arise from the same accident on November 5, 2021 and involve common questions of law and fact and plaintiff is the same in both actions. As there is no opposition to the motion, there is no prejudice to any party by ordering a consolidation for all purposes.

Accordingly, it is

ORDERED that the motion by plaintiff Sanchez to consolidate pursuant to CPLR 602 is granted without opposition, for all purposes; and, it is further

ORDERED that the title of the actions combined for all purposes shall be:

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ISRAEL SANCHEZ,

Index No.: 7235329/2021

Plaintiff,

-against-

RIDGEWOOD TOWER III LLC, RIDGEWOOD

TOWER II LLC, RIDGEWOOD TOWER
DEVELOPMENT GROUP LLC, AB CAPSTONE
BUILDERS CORP., RISE DEVELOPMENT
PARTNERS, LLC, LICKEN CONSULTING
CORP., CAPSTONE CONTRACTING CORP.,
INFINITE CONSULTING CORP., MYRTLE
POINT CM LLC, RISE CONCRETE LLC,
RIDGEWOOD TOWER LLC, ARCH BUILDERS
LLC, and INFINITE SAFETY QUALITY AND
CONSTRUCTION MGMT INC.,

Defendants.

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RIDGEWOOD TOWER III LLC, RIDGEWOOD
TOWER II LLC, and AB CAPSTONE BUILDERS
CORP.,

Third-Party Plaintiffs,

-against-

APLITE INDUSTRIES, INC.,

Third-Party Defendant.

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and, it is further

ORDERED that movant shall serve a copy of this order with notice of entry upon the Clerk of the Supreme Court, Queens County, who shall transfer all papers filed under Index No. 708165/2024 to the file under Index No. 725329/2021, and upon all parties in each action within 20 days of entry of this order; and, it is further

ORDERED that movant shall file a copy of this order with notice of entry under Index No. 725329/2021 and Index No. 708165/2024.

As to the branch of the motion lifting the stay, such application is granted and the action is no longer stayed. Accordingly, it is

ORDERED that the bankruptcy stay is lifted.

As to the branch of the motion seeking a discovery conference on the consolidated action. Movant shall contact the compliance part clerk assigned to Index No. 725329/2021, and request that a further compliance conference be held. It appears that Index No. 725329/2021 is assigned to

Compliance Conference Part 2, the email for that part is CSCP2@nycourts.gov. Please familiarize yourself with their part rules before requesting a conference.

Movant is not relieved from the applicable provisions of CPLR 2220 and 202.5-b (h) (2) of the Uniform Rules of Supreme and County Courts insofar as it relates to service and notice of entry of the filed document upon all other parties to the action/proceeding, whether accomplished by mailing or electronic means, whichever may be appropriate dependent upon the filing status of the party.

The foregoing constitutes the decision and order of this court.


ANNA CULLEY, J.S.C.

Dated: October 3, 2024

