

Penn v Isaac
2024 NY Slip Op 35673(U)
June 12, 2024
Supreme Court, Bronx County
Docket Number: Index No. 809423/2022E
Judge: John A Howard-Algarin
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NEW YORK SUPREME COURT - COUNTY OF BRONX

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

-----x
OLIVIA PENN,

Motion Calendar No. 2
Motion Date: February 22,
2024

Plaintiff, Action No. 1

-against-

Index No. 809423/2022E

JIMMY ISAAC, PICTURE CAR SERVICES, LTD., and
ETHEL COAXUM,

Defendants.
-----x

DEWANDRE WILLIAMS, Individually and as the
Administrator of the Estate of STEPHEN REESE
WILLIAMS,

DECISION/ ORDER

Present:

Hon. John A. Howard-Algarin
Justice Supreme Court

Action No. 2

Plaintiff, Index No. 818136/2022E

-against-

ETHEL COAXUM, LAWRENCE MOORE, JIMMY
ISAAC and PICTURE CAR SERVICES, LTD.,

Defendants.
-----x

Recitation, as required by CPLR § 2219(a), of the papers considered in the review of this motion to consolidate:

PapersNYSCEF Doc. No(s).

Notice of Motion, Affirmation in Support, Statement
of Material Facts, Exhibits Thereto

43-48

Upon the foregoing papers, defendant's motion to consolidate for joint trial pursuant to CPLR § 602 is hereby granted without opposition.

Defendant, Ethel Coaxum ("Coaxum"), seeks to consolidate for joint discovery and trial these actions (Action No. 1 and Action No. 2) with two related actions pending in the Supreme Court, Bronx County, entitled: *Gail Steinline v Jimmy Isaac, Picture Car Services,*

LTD, *Ethel Coaxum and Lawrence Moore*, Index No. 816038/2023E (Action No. 3) and S.C. *Infant by Grandfather and Natural Guardian, Alec Coaxum v Ethel Coaxum, Lawrence Moore, Jimmy Isaac And Picture Car Services, LTD*, Index No. 817275/2023E (Action No. 4). Defendant argues that all actions involve common questions of law and fact and seek to have these actions consolidated for the purposes of joint discovery and trial. No opposition filed.

CPLR § 602(a) states that “[w]hen actions involving a common question of law or fact are pending before a court, the court, upon motion ... may order the actions consolidated.” Here, it is undisputed that the actions arise out of the same motor vehicle accident and involve the same defendants in Action Nos. 1 & 2, as in Actions Nos. 3 & 4. No party has opposed the motion. Thus, Coaxum’s motion to consolidate these actions for joint discovery and trial is granted.

Accordingly, it is hereby:

ORDERED that defendant’s, Ethel Coaxum, motion for consolidation is granted and the above-captioned actions (Action Nos. 1 & 2) shall be consolidated, for the purposes of joint discovery and trial with: *Gail Steinline v Jimmy Isaac, Picture Car Services, LTD, Ethel Coaxum and Lawrence Moore*, Supreme Court, Bronx County, Index No. 816038/2023E (Action No. 3) and S.C. *Infant by Grandfather and Natural Guardian, Alec Coaxum v Ethel Coaxum, Lawrence Moore, Jimmy Isaac and Picture Car Services, LTD*, Supreme Court, Bronx County, Index No. 817275/2023E (Action No. 4), and the consolidated action shall bear the following caption:

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

-----x
OLIVIA PENN,

Action No. 1

Plaintiff, Index No. 809423/2022E

-against-

JIMMY ISAAC, PICTURE CAR SERVICES, LTD., and
ETHEL COAXUM,

Defendants.
-----x

DEWANDRE WILLIAMS, Individually and as the
Administrator of the Estate of STEPHEN REESE
WILLIAMS,

Action No. 2

Plaintiff, Index No. 818136/2022E

-against-

ETHEL COAXUM, LAWRENCE MOORE, JIMMY
ISAAC and PICTURE CAR SERVICES, LTD.,

Defendants.

-----X
GAIL STEINLINE,Action No. 3

Plaintiff, Index No. 816038/2023E

-against-

JIMMY ISAAC, PICTURE CARE SERVICES, LTD,
ETHEL COAXUM and LAWRENCE MOORE,

Defendants.

-----X
S.C. Infant by Grandfather and Natural Guardian,
ALEC COAXUM,Action No. 4

Plaintiff, Index No. 817275/2023E

-against-

ETHEL COAXUM, LAWRENCE MOORE, PICTURE
CAR SERVICES, LTD. and JIMMY ISAAC,

Defendants.

-----X

ORDERED that the Clerk of the court shall reassign Action Nos. 3 & 4, above to the undersigned and shall place both upon the Preliminary or Compliance Conference calendar before the undersigned, and it is further,

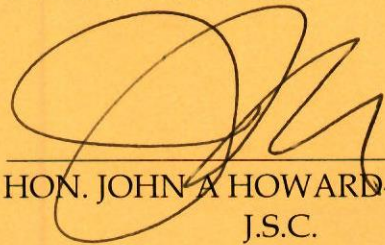
ORDERED that a copy of this ORDER with Notice of Entry shall be served upon the Clerk of the Motion Support Office (Room 217), who is hereby directed to mark the Court's records to reflect this joint discovery and trial ORDER, and it is further,

ORDERED that in any of the above joined actions that does not yet have an R.J.I., the Plaintiff in that action shall file and pay for an R.J.I. within 10 days after entry hereof, and it is further,

ORDERED that upon filing of the Notes of Issue and Statements of Readiness in each of the above actions, and upon service of a copy thereof with Notice of Entry on the Clerk of the Motion Support Office, Room 217, said Clerk shall place the aforesaid joined actions upon the trial calendar for joint trial.

The foregoing constitutes the Decision and Order of the Court.

Dated: 6.11.24


HON. JOHN A HOWARD-ALGARIN
J.S.C.