

G.M. Canmar Residence Corp. v Hotel 237, LLC

2025 NY Slip Op 31879(U)

May 28, 2025

Supreme Court, New York County

Docket Number: Index No. 151321/2024

Judge: Debra A. James

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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. DEBRA A. JAMES

PART 59

Justice

-----X

G.M. CANMAR RESIDENCE CORP.,

Plaintiff,

- v -

HOTEL 237, LLC,

Defendant.

-----X

INDEX NO. 151321/2024

MOTION DATE 05/28/2025

MOTION SEQ. NO. 001

**DECISION + ORDER ON
MOTION**

The following e-filed documents, listed by NYSCEF document number (Motion 001) 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19

were read on this motion to/for DISMISSAL.

ORDER

Upon the foregoing documents, it is

ORDERED that to the extent that it seeks dismissal or a stay of the instant action, the motion, pursuant to CPLR 3211(a)(4), of defendant is denied; and it is further

ORDERED that to the extent that it seeks "other relief as this Court deems just and proper", the motion of defendant is granted, and the above-captioned action is consolidated with Hotel 237, LLC vs. G.M. Canmar Residence, Index No. 657772/2019, pending in this Court; and it is further

ORDERED that the consolidation shall take place under Index No. 657772/2019 and the consolidated action shall bear the following caption:

_____ x
Hotel 237, LLC,
Plaintiff/Counterclaim Defendant,
-against- Index No 657772/2019
G. M. Canmar Residence Corp.,
Defendant/Counterclaim Plaintiff.
_____ 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 twenty (20) days from entry of this order, movant shall serve a copy of this order with notice of entry on the Clerk of the Court, 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); 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 twenty (20) 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, 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 accordance with the procedures set forth in the aforesaid *Protocol*; and it is further

ORDERED that on July 30, 2025, 11:00 AM, counsel are directed to appear for oral argument via Microsoft Teams of the papers filed on motion sequence number 002, which, on July 1, 2024, was previously filed and signed as an Order to Show Cause in the action entitled G.M. Canmar Residence Corp v Hotel 237, LLC, Index No 151321/2024; and, no later than June 27, 2025, defendant in such foregoing action shall post any opposition papers on NYSCEF; and no later than July 18, 2025, plaintiff shall post any reply papers in further support of such show cause order on NYSCEF.

DECISION

See MediaAmerica, Inc v Rudnick, 156 AD2d 174 (1st Dept 1989),

"Since both actions involve the same subject matter and parties, the more appropriate action is consolidation rather than dismissal. (See, 4 Weinstein- Korn-Miller, N.Y.Civ.Prac. Par. 3211.24; Siegel, Practice Commentary C3211:19 to McKinney's CPLR 3211[a][4]; Byer, Civil Motions, (316)."

Debra A. James

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5/28/2025

DATE

DEBRA A. JAMES, 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