

**Doe v Syracuse Univ.**

2025 NY Slip Op 32550(U)

June 18, 2025

Supreme Court, New York County

Docket Number: Index No. 950596/2020

Judge: Sabrina Kraus

Cases posted with a "30000" identifier, i.e., 2013 NY Slip Op 30001(U), are republished from various New York State and local government sources, including the New York State Unified Court System's eCourts Service.

This opinion is uncorrected and not selected for official publication.

SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY

PRESENT: HON. SABRINA KRAUS PART 57M

Justice

-----X

JOHN DOE,

Plaintiff,

- v -

SYRACUSE UNIVERSITY, BOARD OF TRUSTEES OF
SYRACUSE UNIVERSITY, CONRAD MAINWARING

Defendant.

-----X

INDEX NO. 950596/2020

MOTION DATE 04/30/2024

MOTION SEQ. NO. 004

DECISION + ORDER ON MOTION

The following e-filed documents, listed by NYSCEF document number (Motion 004) 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 77, 78, 84, 85, 88, 89, 90

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

Plaintiff commenced this action pursuant to the Child Victims Act seeking damages for alleged sexual abuse he suffered while visiting Syracuse University, when he was 17 years old, by Conrad Mainwaring, a track and field coach.

On May 16, 2024, Plaintiff moved for an an order consolidating the herein Child Victims Act case with Plaintiff's Adult Survivors Act case pending under index number 952273/2023. Defendants, Syracuse University and Board of Trustees of Syracuse University (collectively, the University Defendants) filed partial opposition, agreeing to consolidate the actions for discovery, but arguing that consolidation for trial was premature.

The action was previously stayed pursuant liquidation of the Arrowood Insurance Company, pending in Delaware Chancery Court. That stay has expired and has not been extended.

Pursuant to CPLR §602,

When actions involving a common question of law or fact are pending before a court, the court, upon motion, may order a joint trial of any or all the matters in

issue, may order the actions consolidated, and may make such other orders concerning proceedings therein as may tend to avoid unnecessary costs or delay.

A party opposing consolidation bears the party to demonstrate prejudice to a substantial right should the Court consolidate several cases. See *Progressive Ins. Co. v. Vasquez*, 10 A.D.3d 518, 519 (1st Dep't 2004). Cases at different procedural postures will not warrant denial of a motion to consolidate, as the remedy for such a discrepancy is to expedite discovery to get all cases on the same page. See *id.* at 519.

Courts have recently favored consolidation where a plaintiff commenced an action pursuant to the Child Victims Act and then commenced an action pursuant to the Adult Survivors Act. See *Shielagh Clark v. Hyde Park Baptist Church*, Index No. 2020-51204 and 2023-50126 (May 2, 2023).

In both actions, Plaintiff alleges he suffered sexual abuse at the hands of defendant Mainwaring. Plaintiff alleges in both cases that defendant Syracuse University's negligence caused plaintiff to suffer sexual abuse at defendant Mainwaring's hands. Plaintiff also alleges that defendant Syracuse University knew or should have known that a well known and notorious serial abuser like defendant Mainwaring sexually abused others, including plaintiff. The location of the sexual abuse in both cases is the same, with defendant Mainwaring sexually abusing plaintiff on the campus of defendant Syracuse University, first in a classroom building, then in Brewster-Bolland Hall, a dormitory.

The only factual difference between the two cases is that in the Child Victims Act case, plaintiff was seventeen (17) years old, while in the Adult Survivor's Act case, plaintiff was eighteen (18) years old when he suffered sexual abuse.

Here, in consolidating the actions for discovery and trial there is no prejudice to the University Defendants. University Defendants have not taken the deposition of plaintiff yet in either action, nor is there any surprise, as both actions have been pending for some time.

WHEREFORE, it is hereby

ORDERED that the motion is granted and the above-captioned action is consolidated in this Court with JMBMNY DOE, vs. SYRACUSE UNIVERSITY and BOARD OF TRUSTEES OF SYRACUSE UNIVERSITY, Index No. 952273/2023 , pending in this Court; and it is further

ORDERED that the consolidation shall take place under Index No. 950596/2020 and the consolidated action shall bear the following caption:

\_\_\_\_\_  
JOHN DOE

Plaintiffs,

INDEX 950596/2020

-against-

SYRACUSE UNIVERSITY, BOARD OF TRUSTEES OF SYRACUSE UNIVERSITY, and CONRAD MAINWARING

Defendants.  
\_\_\_\_\_

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 30 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 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); and it is further

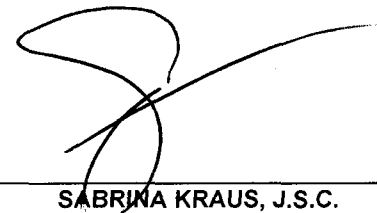
ORDERED that, as applicable and insofar as is practical, the Clerk of this Court shall file the documents being consolidated in the consolidated case file under the index number of the consolidated action in the New York State Courts Electronic Filing System or make appropriate notations of such documents 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 30 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 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*; and it is further

ORDERED that counsel are directed to appear for a status conference via MS Teams on November 3, 2025 at 10 am via MS Teams.

This constitutes the decision and order of the court.



6/18/2025  
DATE

SABRINA KRAUS, J.S.C.

CHECK ONE:

CASE DISPOSED

GRANTED

SETTLE ORDER

INCLUDES TRANSFER/REASSIGN

DENIED

NON-FINAL DISPOSITION

GRANTED IN PART

SUBMIT ORDER

FIDUCIARY APPOINTMENT

OTHER

REFERENCE

APPLICATION:

CHECK IF APPROPRIATE: