

Nava v City of New York

2025 NY Slip Op 32844(U)

August 6, 2025

Supreme Court, New York County

Docket Number: Index No. 161425/2023

Judge: Hasa A. Kingo

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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. HASA A. KINGO PART 05M

Justice

-----X

MIRKA SASSO NAVA,

Plaintiff,

- v -

THE CITY OF NEW YORK, CARL HEINTZ CORIOLAN,
GELCO FLEET TRUST

Defendant.

-----X

INDEX NO. 161425/2023

MOTION DATE 06/16/2025

MOTION SEQ. NO. 001

DECISION + ORDER ON MOTION

The following e-filed documents, listed by NYSCEF document number (Motion 001) 40, 41, 42, 43, 44
were read on this motion to/for CONSOLIDATE/JOIN FOR TRIAL.

Upon the foregoing documents, it is ORDERED that the motion by Defendants Carl Heintz
Coriolan ("Coriolan") and Gelco Fleet Trust (collectively identified as "Defendants"), to
consolidate this action, Index No.: 161425/2023 (Action #1) with a related action pending in this
court, the Supreme Court, New York County, bearing Index No.: 153603/2025 (Action #2) is
granted without opposition. Defendants argue that consolidation pursuant to CPLR § 602 is proper
because both actions arise from identical facts and circumstances and involve common questions
of law and fact.

CPLR §602 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." A motion
to consolidate is addressed to the sound discretion of the trial court (Progressive Ins. Co. v
Vasquez, 10 AD3d 518, 519 [1st Dept 2004]). "There is a preference to join cases for discovery
and trial in the interests of judicial economy and ease of decision-making where there are common
questions of law and fact" between the two actions involved (Lema v 1148 Corp., 176 AD3d 653,
654 [1st Dept 2019]). Absent a showing of prejudice to a substantial right by a party opposing the

motion, consolidation should be granted where common questions of fact or law exist (*Lema*, 176 AD3d at 654).

Here, it is undisputed that both actions arise from a motor vehicle collision that occurred on August 23, 2023. Specifically, Plaintiff Mirka Sasso Nava (“Plaintiff”) alleges that she was a passenger in an automobile that was involved in an accident at the intersection of 1st Avenue and East 90th Street in New York, New York. Plaintiff alleges that Jason Brown was driving the vehicle in which she was a passenger and Defendant Coriolan was operating the other vehicle. Defendants Gelco Fleet Trust and Defendant Whelan Security Management Company, Inc. purportedly own the vehicle that Coriolan was driving. Thus, both actions arise out of the same automobile accident and involve the same questions of law and fact. Additionally, there is no opposition to the motion and no showing of prejudice to a substantial right. Moreover, discovery is in its infancy and depositions have not been held. Therefore, a full consolidation of the two actions will minimize court expense, as well as the time witnesses and parties must appear, and will expedite discovery while avoiding duplicate testimony, and inconsistent results.

Accordingly, it is hereby

ORDERED that the motion is granted and the above-captioned actions is consolidated in this court with MIRKA SASSO NAVA v. WHELAN SECURITY MANAGEMENT COMPANY, INC., Index No.: 153603/2025 (Action #2), pending in this court; and it is further

ORDERED that the consolidation shall take place under Index No. 161425/2023 and the consolidated action shall bear the following caption:

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

-----X Index No.: 161425/2023
MIRKA SASSO NAVA,

Plaintiff,

-against-

THE CITY OF NEW YORK, CARL HEINTZ
CORIOLAN, GELCO FLEET TRUST, and WHELAN
SECURITY MANAGEMENT COMPANY,

Defendants.

-----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 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 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 under Index No. 161425/2023 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

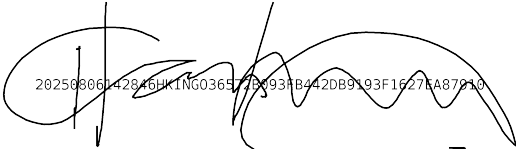
ORDERED that, within 30 days from entry of this order, movant shall serve a copy of this order with notice of entry on the Clerk of the General Clerk’s Office, who is hereby directed to reflect the consolidation by appropriately marking the court's records; and it is further

ORDERED that such service upon the Clerk of the General Clerk’s Office shall be made in accordance with the procedures set forth in the aforesaid *Protocol*; and it is further

ORDERED that that the Clerk is directed to set this matter down for a preliminary conference in the Differentiated Case Management Part on the next available date.

This constitutes the decision and order of the court.

8/6/2025
DATE


HASA A. KINGO, J.S.C.

CHECK ONE:	<input type="checkbox"/>	CASE DISPOSED	<input checked="" type="checkbox"/>	NON-FINAL DISPOSITION
	<input checked="" type="checkbox"/>	GRANTED	<input type="checkbox"/>	GRANTED IN PART
APPLICATION:	<input type="checkbox"/>	SETTLE ORDER	<input type="checkbox"/>	OTHER
CHECK IF APPROPRIATE:	<input type="checkbox"/>	INCLUDES TRANSFER/REASSIGN	<input type="checkbox"/>	FIDUCIARY APPOINTMENT
			<input type="checkbox"/>	REFERENCE