

Wong v City of New York

2025 NY Slip Op 34238(U)

November 5, 2025

Supreme Court, New York County

Docket Number: Index No. 153181/2022

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

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ROMAINE ANTHONY WONG,
Plaintiff,

- v -

THE CITY OF NEW YORK, NYC DEPARTMENT OF
TRANSPORTATION, SALVATORE B NOTO, BIANCA
WATT

Defendant.

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INDEX NO. 153181/2022

MOTION DATE 09/05/2025

MOTION SEQ. NO. 003

**DECISION + ORDER ON
MOTION**

The following e-filed documents, listed by NYSCEF document number (Motion 003) 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65

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

Upon the foregoing documents, Defendant Bianca Watt’s (“Defendant Watt”) motion to join for discovery and trial, this action, Index No. 153181/2022 (Action #1) with a related action pending in this court, the Supreme Court, New York County, bearing Index No.: 159425/2022 (Action #2) is granted without opposition.

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]; *see* 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”]). “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” (*Lema v 1148 Corp.*, 176 AD3d 653, 654 [1st Dept 2019]). Moreover, absent a showing of prejudice to a substantial

right by a party opposing the motion, a motion for joint discovery and trial should be granted (*Lema*, 176 AD3d at 654).

Here, it is undisputed that both actions arise out of a singular automobile accident (NYSCEF Doc No. 57, 60). On January 11, 2022, Defendant Watt was driving near the intersection of East 135th Street and Madison Avenue when her vehicle was purportedly struck by Defendant Salvatore Noto, who was driving a City of New York Department of Transportation vehicle at the time (NYSCEF Doc No. 60, verified complaint ¶ 46-50). Plaintiff Romaine Anthony Wong (“Plaintiff Wong”) was a passenger in Defendant Watt’s vehicle (NYSCEF Doc No. 57, verified complaint ¶ 4, 33, 39-41). Both Defendant Watts and Plaintiff Wong allege that the City Defendants’ negligence caused them to sustain personal injuries (NYSCEF Doc No. 60, verified complaint ¶ 46-50; NYSCEF Doc No. 57, verified complaint ¶ 39-41). Thus, both actions involve the same questions of law and fact. Further, there is no opposition to the motion and no showing of prejudice to a substantial right.¹ Therefore, the motion is granted, and the actions are joined for discovery and trial.

Accordingly, it is hereby

ORDERED that the motion is granted, and the above-captioned action (Action # 1) is joined for discovery and trial in this court with *Bianca D. Watt v. City of New York, New York City Department of Transportation, and Salvatore B. Noto*, Index No. 159425/2022 (Action # 2), pending in this court; and it is further

¹ Defendants the City of New York, the New York City Department of Transportation, and Salvatore Noto (collectively identified as the “City Defendants”) submitted opposition, but only to the extent of consolidating the two matters into one index (NYSCEF Doc No. 63, Califano aff’ ¶ 3). The City Defendants consent to the joining of the matters for the purposes of discovery and trial (*id.*).

ORDERED that each action shall maintain separate pleadings, captions, and index numbers (Action #1- 153181/2022 and Action #2- 159425/2022), along with separate certificates of readiness and notes of issue; 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; and it is further

ORDERED that, within 30 days from entry of this order, movant shall file with the General Clerk's Office a copy of this order with notice of entry, and the Clerk of the General Clerk's Office shall reassign Action #2, Index No. 159425/2022, to the undersigned; and it is further

ORDERED that, upon payment of the appropriate calendar fees and the filing of notes of issue and certificates of readiness with the General Clerk's Office in each of the above actions, the Clerk of the General Clerk's Office shall place the aforesaid actions upon the trial calendar for a joint trial before the undersigned or other Justice of this court; and it is further

ORDERED that in both actions such filing with the Clerk of the General Clerk's Office 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 the preliminary conference that is currently scheduled under Index No. 159425/2022 (Action #2) for December 10, 2025, is hereby cancelled; and it is further

ORDERED that all parties (Action #1 and Action #2) shall appear for a preliminary conference in the Differentiated Case Management Part located in Room 103 of 80 Centre Street, New York, New York, 10013 on Tuesday, December 16, 2025, at 2:00 PM.

This constitutes the decision and order of the court.

HASA A. KINGO, J.S.C.

11/5/2025

DATE

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