

Martinez v CDI (N.Y.) L.L.C.

2025 NY Slip Op 34362(U)

November 13, 2025

Supreme Court, New York County

Docket Number: Index No. 154836/2022

Judge: Mary V. Rosado

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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. MARY V. ROSADO PART 33M

Justice

-----X

MARIO MARTINEZ,

Plaintiff,

- v -

CDL (NEW YORK) L.L.C., CDL HOTELS USA, INC., CDL
(NYL) LIMITED, PULLMAN SST, INC.,

Defendant.

-----X

CDL (NEW YORK) L.L.C., CDL HOTELS USA, INC., CDL
(NYL) LIMITED

Plaintiff,

-against-

PULLMAN SST, INC.

Defendant.

-----X

INDEX NO. 154836/2022
MOTION DATE 09/03/2025
MOTION SEQ. NO. 004

**DECISION + ORDER ON
MOTION**

Third-Party
Index No. 595393/2023

The following e-filed documents, listed by NYSCEF document number (Motion 004) 80, 81, 82, 83, 84, 85

were read on this motion to/for AMEND CAPTION/PLEADINGS.

Upon the foregoing documents, and after a final submission date of October 3, 2025, Plaintiff's motion seeking leave to amend to include Hilton Management LLC ("Hilton") as a Defendant is granted.

Leave to amend is freely granted in the absence of prejudice if the proposed amendment is not palpably insufficient as a matter of law (*Mashinsky v Drescher*, 188 AD3d 465 [1st Dept 2020]). A party opposing a motion to amend must demonstrate that it would be substantially prejudiced by the amendment, or the amendments are patently devoid of merit (*Greenburgh Eleven Union Free School Dist. v National Union Fire Ins. Co.*, 298 AD2d 180, 181 [1st Dept 2002]).

Delay alone is not sufficient to deny leave to amend (*Johnson v Montefiore Medical Center*, 203 AD3d 462 [1st Dept 2022]).

Here, the only party to oppose the motion are Defendants/Third Party Plaintiffs CDL (New York) L.L.C., CDL Hotels USA, Inc., and CDL (NYL) Limited (collectively “Defendants”). They do not attack the merits of the proposed pleading, nor do they claim prejudice. Rather, they argue that Plaintiff has failed to show the relation back doctrine applies. However, none of these parties show how they will be aggrieved by Hilton being included, nor do they show how or why they have standing to assert the relation back doctrine on Hilton. Defendants’ argument that they are not united in interest with Hilton is seemingly undercut by the fact that Defendants are attempting to argue on Hilton’s behalf that the relation back doctrine should not apply. Since Hilton has not appeared to oppose the motion, the Court grants Plaintiff’s motion seeking leave to amend. If Hilton has a valid argument to dismiss it from the newly amended pleadings, including the statute of limitations, it can raise it once it appears.

Accordingly, it is hereby,

ORDERED that the plaintiff’s motion for leave to amend is granted, and the amended summons and complaint in the proposed form annexed to the moving papers (NYSCEF Doc. 82) shall be deemed served upon service of a copy of this order with notice of entry thereof; and it is further

ORDERED that the defendants shall serve an answer to the amended complaint or otherwise respond thereto within 20 days from the date of said service; and it is further

ORDERED that the caption of the action is amended to read as follows:

SUPREME COURT OF THE STATE OF NEW YORK
-----X
MARIO MARTINEZ,

Index No.: 154836/2022

Plaintiff,

-against-

CDL (NEW YORK) L.L.C., CDL HOTELS USA, INC.,
CDL (NYL) LIMITED, PULLMAN SST, INC. and
HILTON MANAGEMENT LLC

Defendants
-----X

CDL (NEW YORK) L.L.C., CDL HOTELS USA, INC.,
CDL (NYL) LIMITED

Third-Party
Index No.: 595393/2023

Plaintiffs,

-against-

PULLMAN SST, INC.

Defendant
-----X; and it is further

ORDERED that within ten days of entry, Plaintiff shall serve a copy of this Order with notice of entry upon the Trial Support Office, and shall file the notice required by CPLR § 8019(c) and a completed Form EF-22 with the County Clerk 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 the Trial Support Office shall thereupon amend the court records accordingly; and it is further

ORDERED that within ten days of entry, Plaintiff shall serve a copy of this Decision and Order, with notice of entry, on all other parties via NYSCEF and on the newly impleaded party per the CPLR; and it is further

ORDERED that the parties shall appear for a status conference on or before February 9, 2026 to outline what discovery, if any, remains outstanding.

This constitutes the Decision and Order of the Court.

<u>11/13/2025</u> DATE		<u>Mary V Rosado JSC</u> HON. MARY V. ROSADO, 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"/> DENIED	<input type="checkbox"/> GRANTED IN PART <input type="checkbox"/> OTHER
APPLICATION:	<input type="checkbox"/> SETTLE ORDER	<input type="checkbox"/> SUBMIT ORDER
CHECK IF APPROPRIATE:	<input type="checkbox"/> INCLUDES TRANSFER/REASSIGN	<input type="checkbox"/> FIDUCIARY APPOINTMENT <input type="checkbox"/> REFERENCE