

**Ibrahiem v Sharhan**

2025 NY Slip Op 34691(U)

December 5, 2025

Supreme Court, New York County

Docket Number: Index No. 654011/2025

Judge: Nancy M. Bannon

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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. NANCY M. BANNON PART 61M

Justice

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FAWZY IBRAHIEM,

Plaintiff,

- v -

ADIL SHARHAN, BASHIR ALKANDI, BLEEKER'S FINEST  
MARKET CORP. d/b/a BLEEKER'S FINEST DELI

Defendant.

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INDEX NO. 654011/2025  
MOTION DATE 10/21/2025  
MOTION SEQ. NO. 002

**DECISION + ORDER ON  
MOTION**

The following e-filed documents, listed by NYSCEF document number (Motion 002) 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40

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

In this breach of contract action, the defendants, in their individual and corporate capacities, move pursuant to CPLR 602 to consolidate this action with a related one captioned *Bleeker's Finest Market Corp. d/b/a Bleeker's Finest Market v Fawzy Ibrahiem*, also pending in this court under Index No. 653767/2025, but before another justice of this court. No opposition is submitted. The motion is granted.

CPLR 602(a) permits the court, in its discretion, to consolidate actions that involve common questions of law and fact so as to "reduce the cost of litigation, make more economical use of the trial court's time, and speed the disposition of cases." Matter of New York City Asbestos Litig., 121 AD3d 230, 242 (1<sup>st</sup> Dept. 2014)], aff'd 27 NY3d 765 (2016) [internal quotation marks and citation omitted]). "Consolidation is generally favored in the interest of judicial economy and ease of decision-making where cases present common questions of law and fact, 'unless the party opposing the motion demonstrates that a consolidation will prejudice a substantial right.'" Raboy v McCrory Corp., 210 AD2d 145 (1<sup>st</sup> Dept. 1994) *quoting Amtorg Trading Corp. v Broadway & 56th St. Assoc.*, 191 AD2d 212, 213 (1<sup>st</sup> Dept. 1993).

The two actions clearly present common questions of law and fact. See CPLR 602; DeSilva v Plot Realty, LLC, 85 AD3d 422 (1<sup>st</sup> Dept. 2011); Kern v Shandell, Blitz, Blitz & Bookson, 58 AD3d 487 (1<sup>st</sup> Dept. 2009). Both actions arise from the parties' interests in and operation of a deli business in Manhattan. The very same causes of action asserted by plaintiffs in the related action are asserted by them in this action as counterclaims. The common causes of action are breach of contract, breach of fiduciary duty, breach of duty of loyalty, faithless servant and equitable accounting. Fawzy Ibrahiem, the plaintiff here, asserts additional causes of action in his complaint that are not asserted in the related action - including conversion, fraud and intentional/negligent infliction of emotional distress. Moreover, the two actions were commenced within weeks of one another and are both in the early stages of litigation. Since no opposition is filed, no prejudice has been demonstrated. See Amcan Holdings, Inc. v Torsys LLP, 32 AD3d 337 (1<sup>st</sup> Dept. 2006); Gadelov v Shure, 274 AD2d 375 (2<sup>nd</sup> Dept. 2000). Nor can any prejudice be discerned.

Accordingly, and on the foregoing papers, it is

ORDERED that the motion to consolidate this action with the action entitled *Bleeker's Finest Market Corp. d/b/a Bleeker's Finest Market v Fawzy Ibrahiem*, pending in the Supreme Court, New York County under Index No. 653767/2025 is granted, for purposes of discovery and trial; and it is further

ORDERED that the two actions are hereby consolidated under **Index No. 654011/2025** and the consolidated action shall bear the following caption:

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**FAWZY IBRAHIEM,**

**v**

**ADIL SHARHAN, BASHIR ALKANDI,  
BLEEKER'S FINEST MARKET CORP.  
d/b/a BLEEKER'S FINEST DELI**

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**BLEEKER'S FINEST MARKET CORP.  
d/b/a BLEEKER'S FINEST DELI,**

**v**

**FAWZY IBRAHIEM**

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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 (60 Centre Street, Room 141 B), 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 at the address [www.nycourts.gov/supctmanh](http://www.nycourts.gov/supctmanh)); 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 (60 Centre Street, Room 119), 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 all parties in the consolidated action shall promptly commence discovery, and counsel shall appear for a preliminary conference on March 5, 2026, at 12:00 p.m., to be conducted via Teams.

This constitutes the Decision and Order of the court.

  
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NANCY M. BANNON, J.S.C.  
**HON. NANCY M. BANNON**

12/5/2025  
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