Abdou v BPP St Owners LLC
2025 NY Slip Op 34800(U)
December 9, 2025
Supreme Court, New York County
Docket Number: Index No. 101325/2024
Judge: Leslie A. Stroth
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SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY

PRESENT: **HON. LESLIE A. STROTH** **PART** **12M**
Justice

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MOHAMED ABDOU

Plaintiff,

- v -

BPP ST OWNERS LLC,

Defendant.

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INDEX NO. 101325/2024

MOTION DATE

MOTION SEQ. NO. 003

DECISION + ORDER ON MOTION

Recitation, as required by CPLR 2219(a), of the papers considered in the review of Motion Sequence 003 to Consolidate:

Notice of Motion;
Affirmation in Support; Exhibits A-D;
Attorney's Verification;
Affidavit of Service;
Affirmation in Opposition; Exhibits A-F;
Affirmation of Service After Commencement of Litigation;

Plaintiff commenced this action seeking damages for alleged pain and suffering, medical expenses on behalf of Plaintiff and his family for alleged defects in Plaintiffs' apartment. Defendant moves here to consolidate this action with a related action *Mohammed Abdou v. BPP St Owners LLC*, Index Number CV-019447-24-NY. Defendant argues that the two subject actions have identical issues and facts insofar as both center around alleged issues in Plaintiff's apartment.

Pursuant to CPLR §602(a), "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."

The Court finds that given the common issues of law and fact that predominate in both actions, consolidation is warranted in this matter and will serve to promote judicial economy. The parties are the same in each action. Moreover, Plaintiff alleges the same factual scenario in both the above captioned matter and the Civil Court matter. Plaintiff's opposition to consolidation rests on two grounds. First, Plaintiff argues that the Civil Court matter and above captioned matter differ in the amount of damages sought. Second, Plaintiff argues that the Civil Court matter argues for a different set of remedies than the above captioned matter, insofar as the Civil Court matter only seeks remediation of the alleged issues in the subject unit, whereas the instant matter seeks damages for pain and suffering, medical bills, mental health treatment and the like. However, neither argument is persuasive, as the inquiry on a motion to consolidate centers around whether common issues of law and fact predominate, and the alleged prejudice to the party opposing consolidation. As both cases are pre-discovery, and common issues of law and fact predominate, the Court finds consolidation appropriate. Thus, Defendant's motion to consolidate is granted.

Accordingly, it is hereby

ORDERED that the motion is granted, and the above-captioned action is consolidated in this Court with *Mohammed Abdou v. BPP St Owners LLC*, Index Number CV-019447-24-NY; and it is further

ORDERED that the consolidation shall take place under Index No. 101325/2024 and the consolidated action shall bear the following caption:

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MOHAMMED ABDOU

Plaintiff, Index No.: 101325/2024

-against
BPP ST OWNERS LLC

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 (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); 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 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*.

The foregoing constitutes the decision and order of the Court.

12/9/2025
DATE

LESLIE A. STROTH, J.S.C.

CHECK ONE:		CASE DISPOSED		X	NON-FINAL DISPOSITION		
	X	GRANTED	☐ DENIED		GRANTED IN PART	☐	OTHER
APPLICATION:		SETTLE ORDER			SUBMIT ORDER		
CHECK IF APPROPRIATE:		INCLUDES TRANSFER/REASSIGN			FIDUCIARY APPOINTMENT	☐	REFERENCE