

Sukhov v Naqvi

2026 NY Slip Op 30032(U)

January 2, 2026

Supreme Court, New York County

Docket Number: Index No. 805110/2024

Judge: Kathy J. King

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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. KATHY J. KING PART 06

Justice

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KAMILA SUKHOV,

Plaintiff,

- v -

SHOEBA NAQVI MBBS, NORTHWELL HEALTH ZUCKER HILLSIDE HOSPITAL, NORTHWELL HEALTH, INC., and NORTHWELL HEALTH PHYSICIAN PARTNERS,

Defendants.

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INDEX NO. 805110/2024

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) 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48

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

Upon the foregoing documents, and oral arguments having been heard, Defendants SHOEBNA NAQVI, MBBS and NORTHWELL HEALTH ZUCKER HILLSIDE HOSPITAL, NORTHWELL HEALTH, INC. and NORTHWELL HEALTH PHYSICIAN PARTNERS ("moving Defendants" or "Defendants"), move for an Order, pursuant to CPLR 602, to consolidate the instant action with the action entitled KAMILA SUKHOV v. NEW YORK CITY TRANSIT AUTHORITY et al, pending in the Supreme Court, New York County, under Index No. 150919/2024, as well as to amend the caption accordingly.

Plaintiff does not oppose.

BACKGROUND

On January 31, 2024, Plaintiff commenced an action against NEW YORK CITY TRANSIT AUTHORITY, CITY of NEW YORK and METROPOLITAN TRANSPORTATION AUTHORITY, alleging that Defendants were negligent in failing to take appropriate action to

prevent Plaintiff's injuries ("Action #1"). That complaint alleged causes of action sounding in negligence.

On April 11, 2024, Plaintiff commenced the instant action making allegations sounding in medical malpractice as against the moving Defendants ("Action #2"). On or about February 21, 2018, Plaintiff first came under the care and treatment of the Defendants due to her psychological condition. Plaintiff continued to be cared for by the Defendants through approximately March 29, 2023. On or about April 17, 2023, the Plaintiff attempted suicide, sustaining grievous and permanent injuries, including amputated limbs, after coming into contact with a New York City subway train.

Plaintiff alleges, inter alia, that the moving Defendants were reckless, careless and grossly negligent and departed from good and accepted medical and psychiatric practices in the care, treatment, diagnosis, evaluation and management of the Plaintiff, in failing to form a timely and proper differential diagnosis and diagnosis; in failing to take a proper history; in failing to obtain the necessary information concerning Plaintiff's psychiatric condition and prior treatment; and in failing to recognize that Plaintiff was, in fact, a suicide risk. Plaintiff contends that as a result of Defendants' negligence, Plaintiff was caused to suffer severe and permanent personal injuries; extreme pain and suffering; mental anguish and distress; and required hospital care, which included extensive and multiple surgeries and disfigurement.

Defendants LONG ISLAND JEWISH MEDICAL CENTER s/h/a NORTHWELL HEALTH ZUCKER HILLSIDE HOSPITAL, NORTHWELL HEALTH, INC. and LONG ISLAND JEWISH MEICAL CENTER s/h/a NORTHWELL HEALTH PHYSICIAN PARTNER joined issue by interposing a Verified Answer on May 15, 2024. Defendant SHOEBANAQVI,

M.D. s/h/a SHOEBANAQVI, MBBS, joined issue by way of a Verified Answer on August 8, 2024.

Defendants now move for consolidation pursuant to CPLR 602, contending that both actions arise from the same underlying incident and share common questions of law and fact. The motion is unopposed.

DISCUSSION

“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 [1st Dept 1994], quoting *Amtorg Trading Corp. v Broadway & 56th St. Assoc.*, 191 AD2d 212, 213 [1st Dept 1993]). The power to consolidate is discretionary, but consolidation is favored by the courts as a matter of public policy to serve the interests of judicial economy and to prevent the injustice of inconsistent verdicts (*see e.g., Matter of Progressive Ins. Co. [Mansfield]*, 148 AD3d 1582 [4th Dept 2017]).

In the instant matter, the Court finds that consolidation of Action #1 and Action #2 is warranted. Both actions arise from the same underlying occurrence on April 17, 2023, wherein Plaintiff sustained catastrophic injuries, including limb amputation and permanent disfigurement, after coming into contact with a New York City subway train.

In both matters, the nature, extent, and alleged causation of the Plaintiff’s physical and psychological injuries are identical. Proceeding separately would require two different sets of factfinders to evaluate the same medical records and expert testimony, resulting in a duplication of effort and judicial resources. Furthermore, these actions present overlapping and intertwined questions of law regarding liability and proximate cause. In Action #1, Plaintiff alleges that her

injuries were caused by the negligence of the municipal defendants in maintaining the subway platform. Conversely, in Action #2, it is alleged that the injuries resulted from a suicide attempt precipitated by the private defendants' negligent mismanagement of Plaintiff's medical care.

If these actions were to proceed independently, there is a substantial risk of inconsistent results and improper apportionment of liability. Consolidation is necessary to allow a single trier of fact to hear all competing theories of causation, thereby ensuring a fair and consistent determination of liability and preventing the possibility of a double recovery by the Plaintiff.

Finally, the Court notes that the motion is unopposed. Absent a showing of substantial prejudice by the Plaintiff—which has not been made—the interests of justice and judicial economy dictate that these matters be tried together.

Thus, Defendants' motion to consolidate is granted.

Accordingly, it is hereby

ORDERED that the motion is granted; and it is further

ORDERED that this action shall be fully consolidated for all purposes into the action entitled KAMILA SUKHOV v. NEW YORK CITY TRANSIT AUTHORITY et al pending in the Supreme Court, New York County under Index No. 150919/2024; and it is further

ORDERED that the action entitled KAMILA SUKHOV v. NEW YORK CITY TRANSIT AUTHORITY et al, pending in the Supreme Court, New York County, under Index No. 150919/2024 is fully consolidated for all purposes into the instant action pending before this Court; and it is further

ORDERED that the consolidated action shall proceed under KAMILA SUKHOV v. NEW YORK CITY TRANSIT AUTHORITY et al, New York County Index No. 150919/2024; and it is further

ORDERED that only one note of issue shall be required to be filed in the consolidated action in this Court under Index No. 150919/2024; and it is further

ORDERED that the caption of the consolidated action shall be amended to read as follows:

KAMILA SUKHOV,

Plaintiff,

Index No. 150919/2024

v

NEW YORK CITY TRANSIT AUTHORITY, "JOHN DOE"
first and last name fictitious intended as the subway motorman,
CITY of NEW YORK and METROPOLITAN
TRANSPORTATION AUTHORITY, SHOEBA NAQVI, MBBS
and NORTHWELL HEALTH ZUCKER HILLSIDE HOSPITAL,
NORTHWELL HEALTH, INC. and NORTHWELL HEALTH
PHYSICIAN PARTNERS,

Defendants.


-----; and it is further

ORDERED that the Trial Support Office, the New York County Clerk's Office, and all Court support offices shall amend their records accordingly; and it is further

ORDERED that within twenty (20) days of the date of this Order, Defendants are to serve a copy of this Order on the Plaintiff via first-class certified mail to her/his last known address; and it is further

ORDERED that, within twenty (20) days of the date of this Order, Defendants shall serve a copy of this Order upon the County Clerk and the Clerk of the General Clerk’s Office, which shall be effectuated 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.

This constitutes the Decision and Order of the Court.

1/2/2026						
DATE				KATHY S. KING, 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"/>	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