

<b>Garcia v SL Green Realty Corp.</b>
2026 NY Slip Op 30244(U)
January 21, 2026
Supreme Court, New York County
Docket Number: Index No. 157090/2022
Judge: Hasa A. Kingo
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**SUPREME COURT OF THE STATE OF NEW YORK  
NEW YORK COUNTY**

PRESENT: HON. HASA A. KINGO PART 65M

*Justice*

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INDEX NO. 157090/2022

TIRSO JUAREZ GARCIA, KAREN RESINOS,

MOTION DATE 08/07/2025

Plaintiff,

MOTION SEQ. NO. 001

- v -

SL GREEN REALTY CORP., BLACK SLATE F 2013 LLC.,  
TISHMAN CONSTRUCTION CORP.

**DECISION + ORDER ON  
MOTION**

Defendant.

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The following e-filed documents, listed by NYSCEF document number (Motion 001) 10, 11, 12, 13, 14, 15

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

Upon the foregoing documents, it is ORDERED that the motion by Plaintiffs Tirso Juarez Garcia and Karen Resinos (collectively identified as “Plaintiffs”), to consolidate this action, Index No.: 157090/2022 (Action #1) with a related action pending in this court, the Supreme Court, New York County, bearing Index No.: 152014/2023 (Action #2) is granted without opposition. Plaintiffs contend that consolidation pursuant to CPLR § 602 is proper because both actions arise from identical facts and circumstances and involve common questions of law and fact.

CPLR §602 states that “[w]hen actions involving a common question of law or fact are pending before a court, the court, upon motion ... may order the actions consolidated.” 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]). “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” between the two actions involved (*Lema v 1148 Corp.*, 176 AD3d 653, 654 [1st Dept 2019]). Absent a showing of prejudice to a substantial right by a party opposing the

motion, consolidation should be granted where common questions of fact or law exist (*Lema*, 176 AD3d at 654).

Here, it is undisputed that both actions arise from an accident that occurred during the course of Plaintiff Tirso Juarez Garcia’s (“Plaintiff Garcia”) work (NYSCEF Doc No. 1, 14). Specifically, Plaintiff Garcia was performing construction work at One Madison Avenue when he fell from a ladder (NYSCEF Doc No. 1, 14). Plaintiff alleges that the defendants in both actions were negligent and violated various provisions of the New York State Labor Law (NYSCEF Doc No. 1, 14). Thus, both actions arise out of the same workplace accident and involve the same questions of law and fact. Additionally, there is no opposition to the motion and no showing of prejudice to a substantial right. Moreover, discovery is in its infancy and depositions have not been held (NYSCEF Doc No. 16). Therefore, a full consolidation of the two actions will minimize court expense, as well as the time witnesses and parties must appear, and will expedite discovery while avoiding duplicate testimony, and inconsistent results.

Accordingly, it is hereby

ORDERED that the motion is granted and the above-captioned actions is consolidated in this court with TIRSO JUAREZ GARCIA AND KAREN RESINOS v. ONE MADISON OFFICE FEE LLC, Index No.: 152014/2023 (Action #2), pending in this court; and it is further

ORDERED that the consolidation shall take place under Index No. 157090/2022 and the consolidated action shall bear the following caption:

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

-----X Index No.: 157090/2022  
TIRSO JUAREZ GARCIA AND KAREN RESINOS,

Plaintiffs,

-against-

SL GREEN REALTY CORP., BLACK SLATE F 2013  
LLC, TISHMAN CONSTRUCTION CORP., AND ONE  
MADISON OFFICE FEE LLC,

Defendants.

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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, 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); and it is further

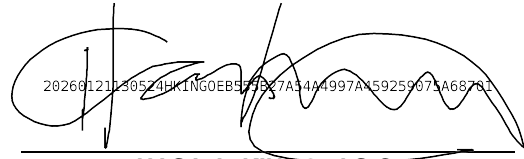
ORDERED that, as applicable and insofar as is practical, the Clerk of this Court shall file the documents being consolidated into Index No. 157090/2022 in the New York State Courts Electronic Filing System or make appropriate notations of such documents in the e-filing records of the court so as to ensure 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, 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 that the parties are directed to appear for a status conference on March 5, 2026 at 10:00 a.m. in Room 308 of 80 Centre Street, New York, New York, 10013.

This constitutes the decision and order of the court.



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HASA A. KINGO, J.S.C.

1/21/2026  
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