

Gould v AA Holdings, LLC.
2026 NY Slip Op 30552(U)
February 9, 2026
Supreme Court, New York County
Docket Number: Index No. 154172/2025
Judge: Ilana J. Marcus
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SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY

PRESENT: HON. ILANA J. MARCUS PART 05M

Justice

-----X

MARY GOULD,

Plaintiff,

- v -

AA HOLDINGS, LLC. and PROONG NOODLE BAR INC.,

Defendants.

INDEX NO. 154172/2025

MOTION DATE 12/16/2025

MOTION SEQ. NO. 001

DECISION + ORDER ON MOTION

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The following e-filed documents, listed by NYSCEF document number (Motion 001) 12-17 were read on this motion to/for CONSOLIDATE/JOIN FOR TRIAL

Upon the foregoing documents, it is ORDERED that the motion brought by Defendant PROONG NOODLE BAR INC. to consolidate this action, Index No.: 154172/2025 (Action #1), with a related action pending in this court, the Supreme Court, New York County, bearing Index No.: 158448/2022 (Action #2) is granted without opposition. PROONG NOODLE BAR INC. argues 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 incident that occurred on March 29, 2022, on the sidewalk at 347 1st Avenue, New York, NY. Specifically, Plaintiff alleges that she was injured while at that location due to a hazardous condition and as a result, was rendered sick, sore, lame and disabled, was caused to suffer great pain, was and is internally and externally injured, will continue to endure great pain and suffering, and she sustained and will continue to sustain special damages. 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. Therefore, a full consolidation of the two actions will minimize court resources, as well as the time witnesses and parties must appear, and will expedite discovery while avoiding duplicative testimony.

Accordingly, it is hereby

ORDERED that the motion is granted and the above-captioned action is consolidated in this court with MARY GOULD vs. AA HOLDINGS, LLC., CITY OF NEW YORK, Index No. 158448/2022 (Action #2), pending in this court; it is further

ORDERED that the consolidation shall take place under the older Index No. 158448/2022 and the consolidated action shall bear the following caption:

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

-----X
MARY GOULD,

Index No.: 158448/2022

Plaintiff,

-against-

AA HOLDINGS, LLC.; CITY OF NEW YORK; and
PROONG NOODLE BAR INC.,

Defendants.
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It is further ORDERED that the pleadings in the actions hereby consolidated shall stand as the pleadings in the consolidated action; 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 and shall mark their records to reflect the consolidation; 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; 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 under Index No. 158448/2022 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; 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; 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 the parties shall appear for a status conference in the Differentiated Case Management Part located in Room 103 of 80 Centre Street, New York, New York, 10013 on April 7, 2026, at 2:00 PM; the parties are directed to meet and confer and stipulate to modification of the Case Scheduling Order (*see* NYSCEF Doc. No. 19) to include consolidated defendant PROONG NOODLE BAR INC.

This constitutes the decision and order of the court.

2/9/2026

DATE

ILANA J. MARCUS, A.J.S.C.

CHECK ONE:

CASE DISPOSED
GRANTED
SETTLE ORDER
INCLUDES TRANSFER/REASSIGN

DENIED

NON-FINAL DISPOSITION
GRANTED IN PART
SUBMIT ORDER
FIDUCIARY APPOINTMENT

OTHER

REFERENCE

APPLICATION:

CHECK IF APPROPRIATE: