

<b>Pinos v City of New York</b>
2026 NY Slip Op 31865(U)
April 29, 2026
Supreme Court, New York County
Docket Number: Index No. 158611/2024
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 05

Justice

-----X

INDEX NO. 158611/2024

ELIZABETH PINOS,

MOTION DATE 01/27/2026

Plaintiff,

MOTION SEQ. NO. 001

- v -

THE CITY OF NEW YORK, NEW YORK CITY
DEPARTMENT OF TRANSPORTATION, 560 WEST 180
ST. NYC LLC, and PRANA HOLDING COMPANY, LLC,

AMENDED
DECISION + ORDER ON
MOTION

Defendant.

-----X

560 WEST 180 ST. NYC LLC, PRANA HOLDING COMPANY,
LLC

Plaintiff,

-against-

ADM LANDSCAPE CORP.,

Defendant.

-----X

The following e-filed documents, listed by NYSCEF document number (Motion 001) 23, 24, 25
were read on this motion to/for AMEND CAPTION/PLEADINGS

Upon the foregoing documents, plaintiff's motion to amend the complaint is
granted without opposition. Leave to amend a pleading "should be freely granted,
absent prejudice or surprise resulting therefrom, unless the proposed amendment is
palpably insufficient or patently devoid of merit" (Y.A. v Conair Corp., 154 AD3d 611,
612 [2017]). "The burden of demonstrating prejudice or surprise, or that a proposed
amendment is palpably insufficient or patently devoid of merit, falls upon the party
opposing the motion" (Chang v Chang, 221 AD3d 634, 636-37 [2d Dept 2023]). Under

CPLR § 1003, “[p]arties may be added at any stage of the action by leave of court” (CPLR § 1003; *Perez v Paramount Commc’ns, Inc.*, 92 NY2d 749, 753 [1999]). Here, the proposed amendment seeks to add an additional defendant within the relevant statute of limitations who was previously impleaded as a third-party defendant (NYSCEF Doc No. 24, Ricigliano aff ¶ 4; NYSCEF Doc No. 25, proposed amended verified answer; NYSCEF Doc No. 17, third party summons and complaint). The amendment is therefore not legally insufficient or prejudicial and plaintiff’s motion is granted.

Accordingly, it is hereby

ORDERED that the amended complaint, in the form annexed to the motion papers, shall be deemed served upon service of a copy of this order with notice of entry upon all parties who have appeared in the action; and it is further

ORDERED that a supplemental summons and amended complaint, in the form annexed to the motion papers, shall be served, in accordance with the Civil Practice Law and Rules, upon the additional parties in this action within 30 days after service of a copy of this order with notice of entry; and it is further

ORDERED that the action shall bear the following caption:

-----X

Index No. 158611/2024

ELIZABETH PINOS,

Plaintiff,

-against-

THE CITY OF NEW YORK, NEW YORK CITY  
DEPARTMENT OF TRANSPORTATION, 560  
WEST 180 ST. NYC LLC, PRANA HOLDING  
COMPANY, LLC, and ADM LANDSCAPE CORP.,

Defendants.

-----X

560 WEST 180 ST. NYC LLC, PRANA HOLDING  
COMPANY, LLC

Third-Party Plaintiffs,

-against-

ADM LANDSCAPE CORP.,

Third-Party Defendant.

-----X

;it is further

ORDERED that counsel for the moving party shall serve a copy of this order with notice of entry upon the County Clerk and the Clerk of the General Clerk's Office, who are directed to mark the court's records to reflect the parties being added pursuant hereto; and it is further

ORDERED that such service upon the County Clerk and the Clerk of the General Clerk's Office 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).

This constitutes the amended decision and order of the court.

4/29/2026

DATE

ILANA J. MARCUS, J.S.C.

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