

Barbosa v HSD Constr., LLC
2026 NY Slip Op 31914(U)
May 1, 2026
Supreme Court, Kings County
Docket Number: Index No. 532845/2022
Judge: Anne J. Swern
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At an IAS Trial Term, Part 75 of the Supreme Court of the State of New York, Kings County, at the Courthouse located at 360 Adams Street, Brooklyn, New York on the 1st day of May 2026.

P R E S E N T: HON. ANNE J. SWERN, J.S.C.

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JOAO VIANEZ BARBOSA,

Plaintiff,

-against-

HSD CONSTRUCTION, LLC, HARRISON REALTY, LLC, and GALAXY DEVELOPERS, LLC,

Defendants.

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HSD CONSTRUCTION, LLC, HARRISON REALTY, LLC, and GALAXY DEVELOPERS, LLC,

Third-Party Plaintiffs,

-against-

KMI INC.,

Third-Party Defendant.

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HSD CONSTRUCTION, LLC, HARRISON REALTY, LLC, and GALAXY DEVELOPERS, LLC,

Second Third-Party Plaintiffs,

-against-

UCP STAFFING LLC d/b/a UTAH CONSTRUCTION PERSONNEL INC.,

Second Third-Party Defendant.

DECISION & ORDER

Index No.:
532845/2022

Calendar No.: 34

Return Date:
3/12/2026

Motion Seq. No.: 4

HSD CONSTRUCTION, LLC, HARRISON
REALTY, LLC, and GALAXY DEVELOPERS, LLC,

Third Third-Party Plaintiffs,

-against-

ECOSAFETY CONSULTANTS INC.,

Third Third-Party Defendant.

HSD CONSTRUCTION, LLC, HARRISON
REALTY, LLC, and GALAXY DEVELOPERS, LLC,

Fourth Third-Party Plaintiffs,

-against-

ECOSAFETY CONSULTANTS INC.,

Fourth Third-Party Defendant.

KMI INC.,

Fifth Third-Party Plaintiffs,

-against-

PERSONNEL SERVICES LLC d/b/a
UTAH CONSTRUCTION PERSONNEL,

Fifth Third-Party Defendant.

Recitation of the following papers as required by CPLR 2219 (a):

**NYSCEF
Papers Numbered**

Notice of Motion, Affirmation of Good Faith,
Attorney Affirmation in Support of Plaintiff’s
Motion, Court Order.....124-127

Plaintiff JOAO VIANEZ BARBOSA’s (“plaintiff”) unopposed motion for an order (1)
restoring this matter to active status pursuant to 22 NYCRR § 202.21 (d); (2) pursuant to CPLR
3402, CPLR 2004, and 22 NYCRR § 202.21 (d) extending the time, *nunc pro tunc*, for plaintiff

to serve and file a Note of Issue and Certificate of Readiness; and (3) to schedule a further Compliance Conference is granted. The balance of the motion seeking an order amending the caption is denied.

Plaintiff commenced this labor law action to recover damages for personal injuries he sustained while working at a construction site located at 334 Wallabout Street in Brooklyn, New York. The direct defendants are the owner and general contractor of the construction site where the accident occurred. Plaintiff asserts that the direct defendants' negligence and/or violations of the labor law proximately caused plaintiff's damages.

On March 31, 2025, this Court entered a Final Pre-Note Order directing that the Note of Issue was to be filed on or before December 5, 2025. However, the case was administratively dismissed based on plaintiff's failure to do so. It is plaintiff's position that this case is not ready to proceed to trial due to the commencement of the five third-party actions. As depositions have not been conducted, and paper discovery is not complete, a further compliance conference is necessary.

As plaintiff has not drafted a proposed amended caption, that branch of the motion is denied.

Accordingly, it is hereby

ORDERED that plaintiff's motion for an order restoring this matter to active status pursuant to 22 NYCRR § 202.21 (d), and pursuant to CPLR 3402, CPLR 2004, and 22 NYCRR § 202.21 (d), is GRANTED, and it is further

ORDERED that the parties shall appear in the Central Compliance Part on Thursday, May 28, 2026, at 9:30 a.m. for a compliance conference, and it is further

ORDERED that the branch of plaintiff's motion seeking to correct the caption of this action, is DENIED.

This constitutes the decision and order of the Court.

ENTER:



Hon. Anne J. Swern, J.S.C.
Dated: 5/1/2026