

FILED
CLERK

9:42 am, Oct 18, 2018

U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
LONG ISLAND OFFICE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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CHRISTINE A. STULSKY,

Plaintiff,

-against-

VINCENT F. DEMARCO, VINCENT T. GERACI, and
"JOHN DOE #1-50," said names being fictitious and
being and intended to be all of the Suffolk County Jail
employees involved in depriving plaintiff of proper
medical care, and COUNTY OF SUFFOLK,

Defendants.

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CHRISTINE A. STULSKY,

Plaintiff,

-against-

GERALD J. MICALIZZI,

Defendant.

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MEMORANDUM OF
DECISION AND ORDER

16-CV-3804 (ADS)(ARL)

17-CV-5972 (MKB)(GRB)

APPEARANCES:

Harry H. Kutner, Jr.
Attorneys for the Plaintiff
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Mineola, NY 11501

Gallagher, Walker, Bianco & Plastaras LLP
Attorneys for Gerald J. Micalizzi
98 Willis Avenue
Mineola, NY 11501
By: John Steger Meade, Esq., Of Counsel

Suffolk County Department of Law
Attorneys for County of Suffolk, Vincent F. DeMarco and Vincent T. Geraci
100 Veterans Memorial Highway
Hauppauge, NY 11788
By: Kyle O. Wood, Assistant County Attorney

SPATT, District Judge:

By motion dated March 29, 2018, the Plaintiff requested that the Court consolidate the above-captioned actions, Case Numbers 16-CV-3804 (“the First Filed Action”) and 17-CV-5972 (“the Second Filed Action”), for all purposes. Both these actions involve claims arising out of the Plaintiff’s medical care while she was in the custody of Suffolk County Correctional Facility.

Pursuant to Federal Rule of Civil Procedure 42(a), the Court grants the parties’ request for consolidation for all purposes, as it finds that these actions involve common questions of law and fact. Accordingly, it is hereby

ORDERED that the March 29, 2018 motion to consolidate Case Numbers 16-CV-3804 and 17-CV-5972 is granted; and it is further

ORDERED that the Clerk of Court is directed to consolidate the two actions set forth above under Case Number 16-CV-3804 and Case Number 17–CV–5972 is to be closed; and it is further

ORDERED that the consolidated action shall proceed under Case Number 16-CV-3804, and that all filings are to be made only under Case Number 16-CV-3804; and it is further

ORDERED that the Plaintiff is directed to file, within fourteen days of the date of this Order, a Consolidated Complaint incorporating the claims of the Complaint in the First Filed Action and the Complaint in the Second Filed Action. The Consolidated Complaint shall not assert new allegations against the Defendants and the Defendants, having answered the Complaints in the First Filed Action and the Second Filed Action, will be under no obligation to file additional answers to the Consolidated Complaint.

SO ORDERED.

Dated: Central Islip, New York
October 18, 2018

/s/ Arthur D. Spatt
ARTHUR D. SPATT
United States District Judge