

**Ballard v EAN Holdings LLC**

2018 NY Slip Op 32507(U)

October 3, 2018

Supreme Court, New York County

Docket Number: 152911/2016

Judge: Adam Silvera

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This opinion is uncorrected and not selected for official publication.

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK: PART IAS MOTION 22

-----X  
DAPHNE BALLARD,

Plaintiff,

- v -

EAN HOLDINGS LLC, ENTERPRISE HOLDINGS, INC. D/B/A  
ENTERPRISE RENT-A-CAR, ELRAC, LLC D/B/A ENTERPRISE  
RENT-A-CAR

Defendant.

AND RELATED ACTIONS  
-----X

INDEX NO. 152911/2016

MOTION DATE 09/20/2018

MOTION SEQ. NO. 003

**DECISION AND ORDER**

HON. ADAM SILVERA:

The following e-filed documents, listed by NYSCEF document number (Motion 003) 25, 26, 27, 28, 29, 30, 31

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

Upon the foregoing documents, it is ORDERED that defendants motion for consolidation, by defendants Ean Holdings LLC, Enterprise Holdings, Inc. d/b/a Enterprise Rent-A-Car, and Elrac, LLC d/b/a Enterprise Rent-A-Car, is granted. This court, in a court order dated June 20, 2016, joined *Daphne Ballard v EAN Holdings, LLC, Enterprise Holdings, Inc. d/b/a Enterprise Rent-A-Car and Elrac, LLC d/b/a Enterprise Rent-A-Car* under Index Number 152911/2016 (Action No. 1) with *Francis Collins v Daphne Ballard, Ean Holdings, LLC and Elrae, LLC d/b/a Enterprise Rent-A-Car* under Index Number 150833/2016 (Action No. 2). Defendant now moves to consolidate the above captioned motor vehicle accident matters, with another action, commenced by plaintiff Philadelphia Insurance Company a/s/o The Doe Fund, Inc. against defendants Ean Holdings, LLC and Daphne Ballard as *Philadelphia Insurance Company a/s/o The Doe Fund, Inc. v Ean Holdings, LLC and Daphne Ballard* under Index Number 14984/2018 (Action No. 3).

Defendants argue that the three actions arise out of the same accident and have common parties. CPLR §602(a) 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.” This action, for personal injuries resulting from a motor vehicle accident which occurred on August 3, 2015, at the intersection of Adam Clayton Powell Jr Boulevard and West 142<sup>nd</sup> Street in the City, County and State of New York involves the same incident and overlapping injuries as action #3, a property damage claim stemming from damages to a motor vehicle involved in the underlying incident. As there are common facts pending in all three cases, defendants’ motion to consolidate is granted to the extent that these actions are joined for discovery and trial. Each action shall maintain separate pleadings, captions, and index numbers, with separate certificates of readiness and notes of issue.

Accordingly, it is

ORDERED that the motion is granted, and the above-captioned actions are consolidated for joint trial and discovery in this Court with *Philadelphia Insurance Company a/s/o The Doe Fund, Inc. v Ean Holdings, LLC and Daphne Ballard* Index. Number 14984/2018 and the consolidated actions shall be amended to reflect the following:

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

-----X  
DAPHNE BALLARD,

Plaintiff,

-against-

Index No. 152911/2016  
Action No. 1

EAN HOLDINGS, LLC, ENTERPRISE HOLDINGS, INC  
D/B/A ENTERPRISE RENT-A-CAR AND ELRAC, LLC  
D/B/A ENTERPRISE RENT-A-CAR,  
Defendants

-----X

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

-----X

FRANCIS COLLINS,

Plaintiff,

-against-

Index No. 150833/2016  
Action No. 2

DAPHNE BALLARD, EAN HOLDINGS, LLC AND  
ELRAC, LLC D/B/A ENTERPRISE RENT-A-CAR,

Defendants

-----X

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

-----X

PHILADELPHIA INSURANCE COMPANY A/S/O  
THE DOE FUND, INC.,

Plaintiff,

-against-

Index No. 14984/2018  
Action No. 3

EAN HOLDINGS AND DAPHNE BALLARD,

Defendants

-----X

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 the movant is directed to serve a copy of this order with notice of entry on the County Clerk (Room 141 B), who shall consolidate the papers in the actions hereby consolidated and shall mark his records to reflect the consolidation, and it is further

ORDERED that movant is directed to serve a copy of this order with notice of entry upon the Clerk of the Trial Support Office (Room 158), who is hereby directed to mark the court's records to reflect the consolidation; and it is further

ORDERED that discovery in this action is to proceed expeditiously; and it is further

ORDERED that counsel for all parties are directed to appear for a preliminary conference at 80 Centre Street Room 103, New York, NY, on January 17, 2019, at 9:30am; and it is further

ORDERED that within 30 days of entry, defendants shall serve a copy of this decision/order upon all parties with notice of entry.

This constitutes the decision of the Court.

10/3/18  
DATE

  
ADAM SILVERA, 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: