

Smith v City of New York
2020 NY Slip Op 30309(U)
February 4, 2020
Supreme Court, New York County
Docket Number: 450100/2019
Judge: Laurence L. Love
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SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY

PRESENT: HON. LAURENCE L. LOVE PART 62

Justice

-----X

JOAN SMITH,

Plaintiff,

- v -

CITY OF NEW YORK, HUNTERS KEY LLC,

Defendants.

-----X

Supreme Court of the State of New York
Queens County

-----X

JOAN SMITH

Plaintiffs,

- v -

VALES CONSTRUCTION CORP. and CROWN CASTLE
NG EAST, LLC, as successor in interest of CROWN CASTLE
EAST, INC.,

Defendants.

-----X

INDEX NO. 450100/2019

MOTION DATE 01/27/2020,
02/03/2020

MOTION SEQ. NO. 001 002

DECISION + ORDER ON
MOTION

DECISION/ORDER
Index No. 713402/2019
(Action #2)

The following e-filed documents, listed by NYSCEF document number (Motion 001) 19, 20, 21, 22, 36,
37.

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

The following e-filed documents, listed by NYSCEF document number (Motion 002) 23, 24, 25, 26, 27,
28, 29, 30, 31, 32, 33, 34, 35, 38, 39, 40, 41

were read on this motion to/for VACATE/STRIKE - NOTE OF ISSUE

Upon the foregoing documents, the motions are decided as follows:

ORDERED that the motion is granted and the action Joan Smith vs. Vales Construction Corp. and Crown Castle NG East, LLC as successor in interest of Crown Castle East, Inc., Index No. 713402/2019 pending in the Supreme Court, Queens County, shall be consolidated in this

Court with Joan Smith vs. City of New York, Hunters Key LLC, Index No. 450100/2019, New York County; and it is further

ORDERED that the consolidation shall take place under New York County Index No. 450100/2019 and the consolidated action shall bear the following caption:

JOAN SMITH

Plaintiffs,

-against-

CITY OF NEW YORK, HUNTERS KEY LLC, VALES CONSTRUCTION CORP. and CROWN CASTLE NG EAST, LLC, as successor in interest of CROWN CASTLE EAST, INC.,

Defendants.

And it is further

ORDERED that, within 30 days from entry of this order, counsel for the movant shall serve a certified copy of this order upon the Clerk of the Supreme Court, Queens County, and shall pay the appropriate fee, if any, for such transfer and shall contact the staff of said Clerk to arrange for the effectuation of the transfer in an efficient manner; and it is further

ORDERED that service upon the Clerk of the Supreme Court, Queens County shall be made in accordance with any applicable protocol or other procedures of said county; and it is further

ORDERED that the Clerk of the Supreme Court, Queens County, shall transfer the documents on file under Index No. 713402/2019 to the Clerk of this Court for the purpose of consolidation; and it is further

ORDERED that the Clerk of the Supreme Court, New York County and the Clerk of this court shall coordinate the transfer of the documents being transferred so as to ensure an efficient

transfer and to minimize insofar as practical the reproduction of such documents, including with regard to any documents that may be in digital format; 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, as applicable and insofar as is practical, the Clerk of this Court shall file the documents transferred from the Supreme Court, Queens County in the consolidated case file under the New York County Index Number of the consolidated action 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; and 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 (60 Centre Street, Room 141 B), who shall consolidate the documents in the actions hereby consolidated and shall mark his records to reflect the consolidation; and it is further

ORDERED that such service 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 this court's website at the address www.nycourts.gov/supctmanh); and it is further

ORDERED that the motion to vacate the note of issue is granted and the note of issue is vacated and the case is stricken from the trial calendar; and it is further

ORDERED that, within 15 days from the entry of this order, movant shall serve a copy of this order with notice of entry on all parties and upon the Clerk of the General Clerk's Office (60

Centre Street, Room 119), who is hereby directed to strike the case from the trial calendar and make all required notations thereof in the records of the court; and it is further

ORDERED that, within 15 days from completion of discovery as hereinabove directed, the plaintiff shall cause the action to be placed upon the trial calendar by the filing of a new note of issue and certificate of readiness (for which no fee shall be imposed), to which shall be attached a copy of this order [the plaintiff shall move to reinstate the note of issue as provided in Uniform Rule 202.21 (f)]

ORDERED that counsel are directed to appear for a status conference in Room 106, 80 Centre Street, New York, New York, on March 19, 2020 at 2:00 PM.

2/4/2020

DATE

LAURENCE L. LOVE, 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