

**Jackson v New York Convention Ctr. Operating Corp.**

2020 NY Slip Op 31851(U)

June 10, 2020

Supreme Court, New York County

Docket Number: 153119/2019

Judge: David Benjamin Cohen

Cases posted with a "30000" identifier, i.e., 2013 NY Slip Op 30001(U), are republished from various New York State and local government sources, including the New York State Unified Court System's eCourts Service.

This opinion is uncorrected and not selected for official publication.

NYSCEF E-FILED UNDER NY SCJP § 105.11(b) OF NEW YORK STATE AND NY SCRP § 105.11(b) OF NEW YORK COUNTY 06/15/2020

PRESENT: HON. DAVID BENJAMIN COHEN PART IAS MOTION 58EFM

*Justice*

X

INDEX NO. 153119/2019

WILLIAM JACKSON, MARGARET JACKSON,

MOTION DATE 02/08/2020

Plaintiff,

MOTION SEQ. NO. 001

- v -

NEW YORK CONVENTION CENTER OPERATING CORPORATION, NEW YORK CONVENTION CENTER DEVELOPMENT CORPORATION, JACOB K. JAVITS CONVENTION CENTER OF NEW YORK, LENDLEASE (US) CONSTRUCTION LMB INC., TURNER CONSTRUCTION COMPANY, LENDLEASE TURNER A JOINT VENTURE, EMPIRE STATE DEVELOPMENT CORPORATION,

**DECISION + ORDER ON MOTION**

Defendant.

X

NEW YORK CONVENTION CENTER OPERATING CORPORATION, NEW YORK CONVENTION CENTER DEVELOPMENT CORPORATION, LENDLEASE (US) CONSTRUCTION LMB INC., TURNER CONSTRUCTION COMPANY, LENDLEASE TURNER A JOINT VENTURE, EMPIRE STATE DEVELOPMENT CORPORATION

Third-Party  
 Index No. 595286/2020

Plaintiff,

-against-

E. E. CRUZ & COMPANY, INC., C. B. CONTRACTING CORP.

Defendant.

X

The following e-filed documents, listed by NYSCEF document number (Motion 001) 13, 14, 15, 16, 17, 18, 19, 20, 21

were read on this motion to/for

CONSOLIDATE/JOIN FOR TRIAL

Upon the foregoing documents, it is

ORDERED that the motion is granted, and the above-captioned action is consolidated in this Court, for joint discovery and joint trial on all issues, with *Jackson v. New York State Urban Development Corporation*, Index No. 160794/2019, pending in this Court; and it is further

NYSCEF RECEIVED NYSCEF: 06/15/2020

ORDERED that the consolidation shall take place under Index No. 153119/2019 and the

consolidated action shall bear the following caption:

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

-----X  
WILLIAM JACKSON AND MARGARET JACKSON,

Plaintiffs,

Index No.: 153119/2019

-against-

NEW YORK CONVENTION CENTER OPERATING CORPORATION, NEW YORK CONVENTION CENTER DEVELOPMENT CORPORATION, JACOB K. JAVITS CONVENTION CENTER OF NEW YORK, LENDLEASE (US) CONSTRUCTION LMB INC., TURNER CONSTRUCTION COMPANY, LENDLEASE TURNER A JOINT VENTURE, EMPIRE STATE DEVELOPMENT CORPORATION, NEW YORK STATE URBAN DEVELOPMENT CORPORATION, and LEADLEASE TURNER A JOINT VENTURE BETWEEN LENDLEASE (US) CONSTRUCTION LMB, INC.

Defendants.

-----X  
NEW YORK CONVENTION CENTER OPERATING CORPORATION, NEW YORK CONVENTION CENTER DEVELOPMENT CORPORATION, LENDLEASE (US) CONSTRUCTION LMB INC., TURNER CONSTRUCTION COMPANY, LENDLEASE TURNER A JOINT VENTURE, and EMPIRE STATE DEVELOPMENT CORPORATION,

Index No. 595286/2020

Third-Party Plaintiffs,

-against-

E.E. CRUZ & COMPANY, INC., and  
C.B. CONTRACTING CORP.

Third-Party Defendants.

-----X

RECEIVED NY.SCF: 06/15/2020

ORDERED that the pleadings in the actions hereby consolidated shall stand as the pleadings in the consolidated action; and it is further

ORDERED that, within 30 days from entry of this order, or 30 days from the lifting of the current temporary filing restrictions, whichever is later, 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 counsel for the movant shall contact the staff of the Clerk of the Court to arrange for the effectuation of the consolidation hereby directed; and it is further

ORDERED that service of this order upon the Clerk of the Court shall be made in hard-copy format if this action is a hard-copy matter or, if it is an e-filed case, 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 at the address [www.nycourts.gov/supctmanh](http://www.nycourts.gov/supctmanh)); and it is further

ORDERED that, as applicable and insofar as is practical, the Clerk of this Court shall file the documents being consolidated in the consolidated case file under the 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, or 30 days from the lifting of the current temporary filing restrictions, whichever is later, movant shall serve a copy of this order with notice of entry on the Clerk of the General Clerk's Office (60 Centre Street, Room 119), who

NYSCEF RECEIVED, NYSCEF: 06/15/2020

is hereby directed to reflect the consolidation by appropriately marking the court's records; and it

is further

ORDERED that such service upon the Clerk of the General Clerk's Office shall be made in hard-copy format if this action is a hard-copy matter or, if it is an e-filed case, shall be made in accordance with the procedures set forth in the aforesaid *Protocol*; and it is further

ORDERED that (unless an earlier conference is requested an occurs) all counsel are directed to appear for a compliance conference in Room 574, 111 Centre Street, New York, New York, on the adjourned date of July 15, 2020, at 9:30 AM.

8/10/2020  
DATE

  
DAVID BENJAMIN COHEN, J.S.C.

CHECK ONE:	<input type="checkbox"/>	CASE DISPOSED	<input checked="" type="checkbox"/>	NON-FINAL DISPOSITION
	<input checked="" type="checkbox"/>	GRANTED	<input type="checkbox"/>	GRANTED IN PART
APPLICATION:	<input type="checkbox"/>	SETTLE ORDER	<input type="checkbox"/>	OTHER
CHECK IF APPROPRIATE:	<input type="checkbox"/>	INCLUDES TRANSFER/REASSIGN	<input type="checkbox"/>	REFERENCE