

Scan

**SHORT FORM ORDER**

**SUPREME COURT - STATE OF NEW YORK**

**Present:**

**HON. RALPH P. FRANCO,**

*Justice*

TRIAL/LAS, PART 16

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NASSAU

-----X  
FRED C. VALK and BETTY VALK.  
RICHARD T. DUPRE, individually and as parent and  
natural guardian for CHRISTINA E. DUPRE, an infant  
under the age of 21, JOAN STEIN and EDWARD STEIN.  
DONNA DACOSTA and EDWARD BARBASH and  
GENNADY BORODKIN.

Index No. 10601/99

ACTION NO. 1

Plaintiffs.

- against -

-----X  
JOEL SCHNEIDER CONSTRUCTION CO.,  
TOTAL COMMUNITY MANAGEMENT,  
55 MONROE BLVD. OWNERS CORP.,  
and DJR and BR TRUST OF 1988.

Defendants.

-----X  
SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NASSAU

-----X  
SUSAN SNYDER.

Index No.: 99-010854

ACTION NO. 2

Plaintiffs,

- against -

SCHNEIDER CONSTRUCTION CORP.,  
TOTAL COMMUNITY MANAGEMENT CORP.,  
and 55 MONROE BOULEVARD OWNERS CORP..

Defendants.

-----X

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NASSAU

-----X

ANNETTE VASEL, PETER VASEL and  
DEAN VASEL,

Plaintiffs,

- against -

SCHNEIDER CONSTRUCTION CORPORATION,

Defendant.

-----X  
SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NASSAU

-----X  
FRANKLYN CURRY, RAQUEL CURRY and  
MICHAEL MEOLA,

Plaintiff,

- against -

SCHNEIDER CONSTRUCTION CORPORATION,

Defendant.

-----X  
SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NASSAU

-----X  
CRAIG FINE and JODI FINE,

Plaintiffs,

- against -

SCHNEIDER CONSTRUCTION CO., and  
55 MONROE BLVD. OWNERS CORP.,

Defendants.

-----X

Index No. 99-010855

ACTION NO. 3

Index No. 99-014574

ACTION NO. 4

Index No. 99-019015

ACTION NO. 5

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NASSAU

-----X  
MARTY FOX and RENE FOX, individually and as the  
parents and natural guardians of ROSS FOX, an infant  
under the age of 21; and LANCE BROFFMAN,

Index No. 027260/99

ACTION NO. 6

Plaintiffs,

- against -

JOEL SCHNEIDER CONSTRUCTION CORP.,  
55 MONROE BOULEVARD OWNERS CORP.,  
TOTAL COMMUNITY MANAGEMENT and DJR  
AND BR TRUST OF 1988,

Defendants.

-----X  
SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NASSAU

-----X  
EDITH KAGAN,

Index No.: 000664/00

ACTION NO. 7

Plaintiff,

- against -

JOEL SCHNEIDER CONSTRUCTION CORP.,  
TOTAL COMMUNITY MANAGEMENT CORP.,  
and 55 MONROE BOULEVARD OWNERS CORP.,

Defendants.

-----X  
SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NASSAU

-----X  
DAVID MAYER,

Index No. 3016-00

ACTION NO. 8

Plaintiff,

- against -

SCHNEIDER CONSTRUCTION COMPANY,  
TOTAL COMMUNITY MANAGEMENT, INC. and THE  
DJR AND BR REVOCABLE TRUST OF 1988,

Defendants.

-----X

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NASSAU

-----X  
CHRISTOPHER BETZ,

Plaintiff,

- against -

SCHNEIDER CONSTRUCTION COMPANY,  
TOTAL COMMUNITY MANAGEMENT, INC. and THE  
DJR AND BR REVOCABLE TRUST OF 1988,

Defendants.

-----X  
SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NASSAU

-----X  
STEVEN SCHEPP,

Plaintiff,

- against -

SCHNEIDER CONSTRUCTION COMPANY,  
TOTAL COMMUNITY MANAGEMENT, INC. and THE  
DJR AND BR REVOCABLE TRUST OF 1988,

Defendants.

-----X  
SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NASSAU

-----X  
ABDUL ZIDEE,

Plaintiff,

- against -

SCHNEIDER CONSTRUCTION COMPANY,  
TOTAL COMMUNITY MANAGEMENT, INC. and THE  
DJR AND BR REVOCABLE TRUST OF 1988,

Defendants.

-----X

Index No. 00-003090

ACTION NO. 9

Index No.00-003091

ACTION NO. 10

Index No. 00-3092

ACTION NO. 11

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NASSAU

-----X  
ELLEN MAXWELL,

Plaintiff,

- against -

SCHNEIDER CONSTRUCTION COMPANY,  
TOTAL COMMUNITY MANAGEMENT, INC. and THE  
DJR AND BR REVOCABLE TRUST OF 1988,

Defendants.

-----X  
SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NASSAU

-----X  
MARIA AYALA,

Plaintiff,

- against -

SCHNEIDER CONSTRUCTION COMPANY,  
TOTAL COMMUNITY MANAGEMENT, INC. and THE  
DJR AND BR REVOCABLE TRUST OF 1988,

Defendants.

-----X  
SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NASSAU

-----X  
ARLENE ALFANO,

Plaintiff,

- against -

SCHNEIDER CONSTRUCTION COMPANY,  
TOTAL COMMUNITY MANAGEMENT, INC. and THE  
DJR AND BR REVOCABLE TRUST OF 1988,

Defendants.

-----X

Index No. 00-003093

ACTION NO. 12

Index No. 00-003103

ACTION NO. 13

Index No. 00-3104

ACTION NO. 14

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NASSAU

-----X  
RICHARD SOLDINGER,

Plaintiff,

- against -

SCHNEIDER CONSTRUCTION COMPANY,  
TOTAL COMMUNITY MANAGEMENT, INC. and THE  
DJR AND BR REVOCABLE TRUST OF 1988,

Defendants.

-----X  
SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NASSAU

-----X  
LARRY SRAGOW,

Plaintiff,

- against -

SCHNEIDER CONSTRUCTION COMPANY,  
TOTAL COMMUNITY MANAGEMENT, INC. and THE  
DJR AND BR REVOCABLE TRUST OF 1988,

Defendants.

-----X  
SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NASSAU

-----X  
MARGARET PALMINTERI,

Plaintiff,

- against -

SCHNEIDER CONSTRUCTION COMPANY,  
TOTAL COMMUNITY MANAGEMENT, INC. and THE  
DJR AND BR REVOCABLE TRUST OF 1988,

Defendants.

-----X

Index No. 00-3109

ACTION NO. 15

Index No. 00-3111

ACTION NO. 16

Index No. 00-3112

ACTION NO. 17

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NASSAU

-----X  
MARY PALMINTERI,

Plaintiff,

- against -

SCHNEIDER CONSTRUCTION COMPANY,  
TOTAL COMMUNITY MANAGEMENT, INC. and THE  
DJR AND BR REVOCABLE TRUST OF 1988,

Defendants.

-----X  
SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NASSAU

-----X  
METLIFE AUTO & HOME, as subrogee of  
Sarah Brickman,

Plaintiff,

- against -

SCHNEIDER CONSTRUCTION COMPANY,

Defendant.

-----X  
SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NASSAU

-----X  
DONNA J. MORTON and PATTI MCCUMISKEY,

Plaintiffs,

- against -

SCHNEIDER CONSTRUCTION COMPANY,  
TOTAL COMMUNITY MANAGEMENT, INC. and  
55 MONROE BLVD. OWNERS, CORP.,

Defendants.

-----X

Index No. 00-003113

ACTION NO. 18

Index No. 00-010887

ACTION NO. 19

Index No. 00-010997

ACTION NO. 20

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NASSAU

-----X  
TRAVELERS PROPERTY CASUALTY, as subrogee  
of Joyce Finkel, Matthew Rossman, Marie A. Iacono,  
Arthur Rockman and Kelly Casares,

Plaintiffs,

- against -

SCHNEIDER CONSTRUCTION COMPANY,

Defendant.

-----X  
SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NASSAU

-----X  
TRAVELERS PROPERTY CASUALTY a/s/o  
GERARD GEISWELLER,

Plaintiff,

- against -

JOEL SCHNEIDER CONSTRUCTION COMPANY,  
TOTAL COMMUNITY MANAGEMENT, INC. and  
55 MONROE BLVD. OWNERS, CORP.,

Defendants.

-----X  
SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NASSAU

-----X  
TRAVELERS PROPERTY CASUALTY a/s/o  
STEVEN ROFFWARG and MILLIE LOEB,

Plaintiff,

- against -

JOEL SCHNEIDER CONSTRUCTION COMPANY,  
TOTAL COMMUNITY MANAGEMENT, INC. and  
55 MONROE BLVD. OWNERS, CORP.,

Defendants.

-----X

Index No. 00-011050

ACTION NO. 21

Index No. 00-013018

ACTION NO. 22

Index No.00-013019

ACTION NO. 23



SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF SUFFOLK

-----X  
LIBERTY MUTUAL INSURANCE COMPANY a/s/o  
BRUCE H. SCHWARTZ,

Index 99-28066

Plaintiff,

ACTION NO. 24

- against -

SCHNEIDER CONSTRUCTION COMPANY,

Defendant.

-----X  
SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF SUFFOLK

-----X  
LIBERTY MUTUAL INSURANCE COMPANY a/s/o  
GLADYS RIVERA,

Index 99-28067

Plaintiff,

ACTION NO. 25

- against -

SCHNEIDER CONSTRUCTION COMPANY,

Defendant.

-----X  
SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF SUFFOLK

-----X  
LIBERTY MUTUAL INSURANCE COMPANY a/s/o  
LEONARD BERLIN,

Index 99-28068

Plaintiff,

ACTION NO. 26

- against -

SCHNEIDER CONSTRUCTION COMPANY,

Defendant.

-----X

FIRST DISTRICT COURT OF THE STATE OF NEW YORK  
COUNTY OF NASSAU

-----X  
THE HARTFORD INSURANCE COMPANY a/s/o  
MIRIAM BERNOW,

Index No. 06966/00

Plaintiff,

ACTION NO. 27

- against -

SCHNEIDER CONSTRUCTION COMPANY,

Defendant.

-----X  
DISTRICT COURT OF THE COUNTY OF NASSAU  
THIRD DISTRICT: GREAT NECK PART

-----X  
CHUBB & SON, A DIVISION OF FEDERAL  
INSURANCE COMPANY, MANAGER CHUBB  
INDEMNITY INSURANCE COMPANY A/S/O  
BERNARD S. GORMAN AND DALE W. GORMAN,

Index No.

ACTION NO. 28

Plaintiff,

- against -

SCHNEIDER CONSTRUCTION CORP. and  
JOEL SCHNEIDER CONSTRUCTION CORP.,  
-----X

Unopposed motion for joint trials is determined as hereinafter set forth.

The within actions seek recovery for damages allegedly sustained by Plaintiffs' as a result of a fire which occurred on March 18, 1999, at a cooperative building, located at **55 Monroe Boulevard, Long Beach, New York.**

Prior to the fire, there were approximately 95 units in the building.

Plaintiffs' in all of the actions were either tenants in the building on March 18, 1999, or subrogees' of tenants', who suffered property damage as a result of fire, smoke and water.

It is alleged in the various pleadings that Defendant, 55 Monroe Owners Corporation, owned the building, and Defendant, Total Community Management, managed the building on the date of the fire. The Defendant, DJR and BR Trust of 1988, the Cooperative sponsor, was the record owner of several of the Plaintiff's apartments on the date of the fire. Defendant, Schneider Construction Corporation was retained by Defendant, 55 Monroe Owners Corporation, to perform construction and renovation services at the premises, including repairs to the roof.

It is alleged inter alia that:

(a) Defendant, Schneider was negligent in the use and storage of

propane at the premises, and that on March 18, 1999, a fire caused by a propane torch belonging to Schneider, ignited part of the roof at the premises.

(b) Defendants, Total Community Management and 55 Monroe Boulevard Owners Corporation were negligent in the maintenance and management of the property.

(c) Defendant, DJR and BR Trust of 1988, was negligent in the ownership and maintenance of its respective apartments.

There shall be a **JOINT TRIAL** of actions No. 1 through 28, inclusive. Opening and closing statements shall be subject to the discretion of the Trial Court.

The Clerk of Suffolk County shall remove actions No. 24, 25 and 26 from Supreme Court, Suffolk County to **Supreme Court, Nassau County**.

The Clerk of Nassau County District Court shall remove Action No. 27 from First District Court, Nassau County to **Supreme Court, Nassau County**, and Action No. 28 from Third District Court, Nassau County to **Supreme Court, Nassau County**.

The aforesaid files shall be transferred within 10 days of service of a copy of this Order and Notice of Entry.

It shall be the responsibility of each Plaintiff's attorney in actions No. 2 through 28 inclusive, to file an RJI and pay the required fee to the Nassau County Clerk and forward a copy of receipt of same to my Chambers within 30 days of service of a copy of this Order, or those actions without a paid RJI may be dismissed for failure to prosecute in good faith.

All demands for Bills of Particulars and responses to same must be served no later than November 30, 2000.

A Status Conference shall be held on December 7, 2000, at 11:30 A.M., in my Courtroom (Part 16, Third Floor). Counsel thoroughly familiar with these actions must be present. There will be no telephone adjournments.

Commencing on December 12, 2000, at 9:00 A.M., and continuing daily thereafter, the depositions of the Plaintiffs' shall commence at the offices of Milber, Makris, Plousadis and Seiden, LLP, at 990 Stewart Avenue, Suite 600, Garden City, New York. Attorneys' for Defendants' should begin scheduling the Plaintiffs' depositions.

A decision on Movant's request to appoint a Judicial Hearing Officer (JHO) or Court Attorney/Referee to supervise disclosure and/or oversee mediation of the claims is reserved.

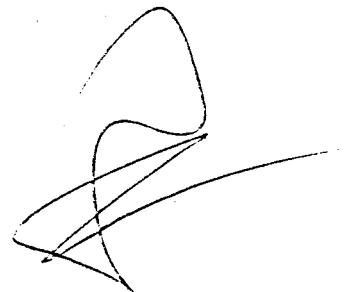
A review of the complaints reveals that all 28 lawsuits arise out of the same facts and circumstance. All 28 actions arise from the same transaction, and present common questions of law and fact.

Accordingly, in order to promote judicial economy and avoid the possibility of inconsistent verdicts, consolidation for the purpose of discovery only and **JOINT TRIAL** is granted. See: Chinatown Apartments v. New York City transit Auth., 100 A.D.2d 824, 474 N.Y. Sup. 2d 763 (1<sup>st</sup> Dept. 1984); City of New Rochelle v. American Fidelity Fire Insurance Co., at CO, 89 A.D.2d 917 452 N.Y. Sup.2d 230 (2<sup>nd</sup> Dept. 1982); Animal Feeds Inter'l, Inc. v. Banco Espirito, Inc., 101 Misc.2d 379, 420 N.Y. Sup. 2d 954 (NY CO. 1979).

FAILURE TO FOLLOW THE SPECIFIC DIRECTIONS OF THE COURT MAY RESULT IN SANCTIONS AND THE ISSUANCE OF PRECLUSION ORDERS.

Attorney for Movant shall serve a copy of this Order on the Clerks of Nassau County, Suffolk County, Nassau County District Court (First District), and Nassau County District Court (Third District); and on all attorneys' who appeared in this action.

Dated: October 3, 2000



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J.S.C.