

SHORT FORM ORDER

SUPREME COURT - STATE OF NEW YORK COUNTY OF NASSAU

Present:

Hon. Thomas Feinman
Justice

ADAM OPPENHEIMER, BENJAMIN OPPENHEIMER
and EVAN KIMMELMAN,

TRIAL/IAS PART 22
NASSAU COUNTY

INDEX NO. 13873/05

Plaintiffs,

- against -

MOTION SUBMISSION
DATE: 6/5/07

SANDRA M. CHOBAN-HAGEMAN and CHRISTOPH
A. CHOBANIAN,

MOTION SEQUENCE
NO. 004

Defendants.

The following papers read on this motion:

Notice of Motion and Affidavits.....	<u>X</u>
Affirmations in Opposition.....	<u>X</u>
Reply Affirmation.....	<u>X</u>

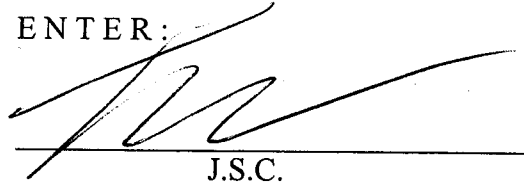
The defendants move for an order pursuant to CPLR §3025(b) granting defendants leave to amend their answer to assert a counterclaim as and against the plaintiff, operator, Adam Oppenheimer, and for an order pursuant to CPLR §602 consolidating the above captioned matter with the Supreme Court, County of Nassau action entitled *Christoph Chobanian v. Adam J. Oppenheimer*, bearing Index Number 14880/06. The plaintiffs, Benjamin Oppenheimer and Evan Kimmelman oppose that branch of the defendants' motion seeking consolidation. The plaintiff, Adam Oppenheimer, opposes the defendants' motion in its entirety.

Upon the foregoing, that branch of the defendants' motion seeking consolidation is denied. Notwithstanding that the Honorable F. Dana Winslow denied a motion to consolidate the instant action with the pending action bearing Index Number 14880/06, apparently due to insufficient motion papers, this action has been certified as ready for trial, while the action bearing Index Number 14880/06 is in the early stages of discovery.

That branch of the defendants' motion for an order pursuant to CPLR §3025(b) granting defendants leave to serve as amended answer is granted.

The amended answer annexed to the motion papers as an exhibit shall be deemed served five (5) days after service of a copy of this order with notice of entry upon the attorneys for the various parties by first class mail.

ENTER:



J.S.C.

Dated: August 2, 2007

cc: Dell & Little, LLP
Nichols & Cane, LLP
Abrams, Gorelick, Friedman & Jacobson, P.C.
Ernest Holzberg & Associates
John C. Burcatti & Associates

ENTERED
AUG 09 2007
NASSAU COUNTY
COUNTY CLERK'S OFFICE