

SHORT FORM ORDER

**SUPREME COURT - STATE OF NEW YORK
COUNTY OF NASSAU**

Present:

Hon. Thomas Feinman
Justice

JEFFREY T. RUSSO,

Plaintiff,

- against -

PV HOLDING CORPORATION, and MERRIN L.
KERINS, ANTHONY DESTEFANO, AVIS RENT
A CAR SYSTEMS, INC. and AVIS RENT A CAR,
LLC,

Defendants.

TRIAL/IAS, PART 22
NASSAU COUNTY

INDEX NO. 21794/06

MOTION SUBMISSION
DATE: 5/23/07

MOTION SEQUENCE
NO. 002

The following papers read on this motion:

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

The unopposed motion by the defendants, PV Holding Corporation and Avis Rent A Car Systems, Inc., and Avis Rent A Car, LLC, for an order resettling this Court's Order dated March 27, 2007, and request to join a new lawsuit initiated after the previous request to join these cases for trial, such new lawsuit entitled John Rizzo v. Merrin L. Kerins, PV Holding Corp. and Avis Rent A Car Systems, Inc., bearing Index Number 7770/07 is hereby granted.

Upon the foregoing, it is hereby

ORDERED that the unopposed for an order to join Supreme Court, Nassau County action entitled Jeffrey T. Russo v. PV Holding Corporation, Merrin K. Kerins, Anthony DeStefano, Avis Rent-A-Car Systems, Inc., and Avis Rent a Car, LLC, bearing Index Number 21794/06, and Supreme Court County of Queens action entitled Jeffrey T. Russo v. PV Holding Corporation, Merrin L. Kerins, Anthony DeStefano, Avis Rent-A-Car Systems, Inc. and Avis Rent-A-Car, LLC bearing Index Number 17267/06, and Supreme Court County of Suffolk action entitled Louis Portanova and

Rose Portanova v. PV Holding Corp., Avis Rent A Car System, LLC, Anthony DeStefano, Nilt, Inc., Dennis M. Donnelly and Merrin L. Kerins, bearing Index Number 28902/06, and Supreme Court Suffolk County action entitled Tina Molloy v. PV Holding Corp., Avis Rent A Car System, Anthony DeStefano and Merrin L. Kerins, bearing Index Number 32336/06, and District Court County of Suffolk, First District Ronkonkoma, entitled Allstate Insurance Company a/s/o Dennis Donnelly v. PV Holding Corp., Merrin Kerins, and Anthony DeStefano, bearing Index Number 13252/06, and Supreme Court, County of Suffolk action entitled John Rizzo v. Merrin L. Kerins, PV Holding Corp. and Avis Rent A Car Systems, Inc., bearing Index Number 7770/07.

Upon the foregoing papers, the motion for an order to join the above actions pending is granted.

This Court directs that the actions be tried jointly, *under all the above captions*, on condition that the Court, on it's own motion, or upon application of any party, may direct separate trials in the event that an RJJ, index number and note of issue and statement of readiness is not filed in each action.

The right to open and close shall be determined by the Justice presiding at the trial of these actions.

All of the above actions arise out of a single motor vehicle accident that occurred on July 7, 2006. The Russo v. PV Holding Corporation action bearing Index Number 17267/06 was transferred from Queens County to Nassau County by way of the Order of Honorable Roger N. Rosengarten dated November 20, 2006.

Upon the foregoing, it is hereby,

ORDERED that the Clerk of Suffolk County, upon being served with a copy of this Order with Notice of Entry and payment of any requisite fees, is directed to transfer all papers filed in that Clerk's Office in actions bearing Index Numbers 28902/06, 32336/06, and 7770/07 to the Clerk of the Supreme Court, Nassau County, and it is further

ORDERED that the Clerk of the District Court County of Suffolk, First District Ronkonkoma, upon being served with a copy of this Order with Notice of Entry and payment of any requisite fees is directed to transfer all papers filed in that Clerk's office in action bearing Index Number 13252/06 to the Clerk of the Supreme Court, Nassau County, and it is further

ORDERED that the movant shall serve a copy of this Order with Notice of Entry on all parties to the actions combine, and upon the Clerk of Nassau County, the Clerk of Suffolk County, the Clerk of Queens County, and the Clerk of the District Court of Suffolk, First District Ronkonkoma, and it is further

ORDERED that the parties are hereby directed to appear for a Preliminary Conference which shall be held at the Preliminary Conference part located at the Nassau County Supreme Court on the 8th day of August, 2007, at 9:30 A.M. This directive, with respect to the date of the Conference, is

subject to the right of the Clerk to fix an alternate date should scheduling require. The movant shall serve a copy of this order on the Preliminary Conference Clerk located at the Nassau County Supreme Court.

ENTER:



J.S.C.

ORIGINAL

Dated: June 18, 2007

cc: Law Offices of Daniel P. Buttafuoco & Associates, PLLC
Law Offices of Curtis Vasile
Zaklukiewicz, Puzo & Morrissey, LLP
Ryan, Perrone & Hartlein, P.C.
Robert P. Tusa, Esq.
Carl S. Young & Associates
Siben & Siben, LLP
The Law Firm of Allan W. Clark & Associates, LLC

ENTERED

JUN 21 2007

NASSAU COUNTY
COUNTY CLERK'S OFFICE