

**SUPREME COURT - STATE OF NEW YORK**

**Present:**

**HON. DANIEL PALMIERI**  
**Acting Justice Supreme Court**

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**CHRISTOPHER J. GLEN,**

**Plaintiff,**

**-against-**

**STACY MURPHY and**  
**AFM APPRAISALS, INC.**

**Defendants.**

-----X  
**STACY MURPHY and**  
**MARTIN J. MURPHY,**

**Plaintiffs,**

**-against-**

**CHRISTOPHER I. PEKOFF, Individually and**  
**doing business as S & M CONCRETE,**  
**CHRISTOPHER J. GLEN and**  
**JAMES B. GLEN,**

**Defendants.**

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**TRIAL PART: 35**

**NASSAU COUNTY**

**ACTION NO. 1**  
**INDEX NO: 008052-01**

**MOTION DATE: 12-02-02**

**MOTION SEQ. NOS:**  
**001 & 002**

**ACTION NO. 2**  
**INDEX NO: 18473-01**

**The following papers having been read on this motion:**

Notice of Motion, dated 10-23-02 .....	1
Notice of Cross-Motion, dated 11-26-02 .....	2

Defendants in Action No. 1 move unopposed, for an Order pursuant to CPLR § 602 consolidating the above-entitled actions. The motion is granted to the extent that the actions are joined for trial. Plaintiff in Action No. 1 also cross-moves, without opposition, for leave to serve a supplemental complaint in Action No. 1 in the form annexed to the cross-motion and supplemental summons, naming Pekoff and S & M Concrete as additional parties in Action No. 1. That cross-motion is also granted.

It is clear from a reading of the moving papers that these actions arise out of the same motor vehicle accident which took place on December 6, 2000 and common questions of law and fact exist. However, consolidation is inappropriate due to the alignment of the

parties.

The pleadings indicate that this was a two-car accident involving the Glen and Murphy vehicles. In Action No. 2, the plaintiffs allege that the negligent manner in which the S & M Concrete truck was parked contributed to the Action No. 1 accident.

Both actions are in the pre-trial discovery phase, a Preliminary Conference has been held in Action No. 1 and is pending in Action No. 2.

ORDERED, that all parties shall serve upon any party so demanding copies of disclosure documents heretofore obtained in the other action and it is further,

ORDERED, that the joined actions shall bear the caption as set forth above.

ORDERED, that all matters of trial practice, including the right to open and close, are reserved to the Justice presiding at the joint trial, and it is further,

ORDERED, that all papers shall reflect the joint status of these actions, and it is further,

ORDERED, upon completion of discovery, the parties shall file separate Notes of Issue and Certificates of Readiness, as to each action and it is further,

ORDERED, that each party shall be entitled to enter separate Judgments and Bill of Costs and Disbursements, in each action respectively, if costs are allowed, and it is further,


ORDERED, that Plaintiffs in all actions are directed to serve and file a Nassau County Request for Judicial Intervention in said action duly noting the related nature of these actions and the designation of this Court as the I.A.S. Justice in both actions, and it is further,

ORDERED, that the Movant shall serve within 10 days, a copy of this Order upon all parties to Actions 1 and 2 upon receipt of a copy of this order from any source and upon the Clerk of the Supreme Court of Nassau County, and upon receipt of this Order, the Nassau County Clerk is directed to join the files.

Counsel in both actions are directed to appear at a joint Compliance Conference to be held in this Part, at the County Courthouse, 262 Old Country Road, 3<sup>rd</sup> Floor, Mineola, NY, on January 3, 2003 to establish and coordinate discovery schedules. This constitutes the Decision and Order of this Court.

**ENTER**

**DATED: DECEMBER 5, 2002**

  
**HON. DANIEL PALMIERI**  
**Acting J.S.C.**

**TO: JAMES P. NUNEMAKER, JR. & ASSOCIATES**  
Attorneys for Defendants MURPHY & AFM in Action 1  
333 Earle Ovington Blvd.  
Uniondale, NY 11553-3645  
**ATT: CHRISTINE M. LAUBIS, ESQ.**

**JOSEPH A. MILLER, III, ESQ.**  
Attorneys for Plaintiff, GLEN in Action 1  
213-1 Montauk Highway  
West Sayville, NY 11796

**LEVINE & SLAVIT**  
Attorney for Plaintiffs MURPHY in Action 2  
60 East 42<sup>nd</sup> St., Suite 1614  
New York, NY 10165-0224

**PICCIANO & SCAHILL P.C.**  
Attorneys for Defendant PEKOFF in Action 2  
71 Clinton Road, Suite 300  
Garden City, NY 11530

**ABAMONT & ASSOCIATES, ESQS.**  
Attorneys for Defendants Glen in Action 2  
355 Post Ave., 3<sup>rd</sup> Floor  
PO Box 433  
Westbury, NY 11590

**COURTESY COPY TO:**  
**HON. JOHN M. GALASSO**  
Chambers of County Court

**ENTERED**

**DEC 10 2002**

**NASSAU COUNTY**  
**COUNTY CLERK'S OFFICE**