

SUPREME COURT - STATE OF NEW YORK

SCAN

Present:

HON. DANIEL PALMIERI
Acting Justice Supreme Court

-----X
CHARLOTTE CURTO, as Executrix of the Estate
of RICHARD V. WEIS and EVELYN S. WEIS,

Plaintiffs,

- against -

SONIA M. BURGOS and JULIO A. BURGOS,
Defendants,

-----X
EMILIA CELARIE,

Plaintiff,

-against-

RICHARD V. WEIS, SONIA M. BURGOS,
and JULIO BURGOS,

Defendants.

-----X
SONIA M. BURGOS and JULIO A. BURGOS,

Plaintiffs,

- against -

CHARLOTTE CURTO, as Executrix of
the Estate of RICHARD V. WEIS,

Defendants.

-----X
The following papers having been read on this motion:

Notice of Motion, dated 12-13-02..... 1

The Burgos parties, as defendants in Action 1, move unopposed, for an Order pursuant to CPLR § 602 consolidating the above-entitled actions. Plaintiff, Richard Weiss, is alleged to have sustained personal injuries as a result of the car accident, subsequently died, his death unrelated to the car accident however, and Letters Testamentary were issued to Charlotte Curto, the Executor named in the will. During discovery it was learned that another personal injury action had been commenced, arising from the same accident, involving similar parties and plaintiff, Emilia Celarie.

TRIAL PART: 35
NASSAU COUNTY
MOTION SEQ. NOS: 002
INDEX NO: 003183-00

INDEX NO: 0016061-00

INDEX NO: 000925-01

While it appears the cases are at different stages of discovery, the interests of justice and judicial economy would be served by joint trials. The motion is granted to the extent that the actions are joined for trial.

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 October 24, 1999 and common questions of law and fact exist. However, consolidation is inappropriate due to the alignment of the parties.

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 which have not already done so 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 which have not yet done so are directed to serve and file a Nassau County Request for Judicial Intervention in said action duly noting the related nature of Actions 1, 2 and 3 and the designation of the undersigned as the I.A.S. Justice in all actions, and it is further,

ORDERED, that the Movant shall serve within 30 days, a copy of this Order upon all parties to Actions 1, 2 and 3 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, and it is further,

Upon inquiry, the Court determined that Action No. 1 is scheduled for a Compliance Conference on February 27, 2003, in this Part. Therefore, all counsel are directed to appear at a joint Compliance Conference to be held in this Part, at the County Courthouse, 262 Old Country Road, 3rd Floor, Mineola, NY, on February 27, 2003 to establish and coordinate discovery schedules.

This constitutes the Decision and Order of this Court.

ENTER

DATED: January 8, 2003



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

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ENTERED

JAN 10 2003

**NASSAU COUNTY
COUNTY CLERK'S OFFICE**