

SHORT FORM ORDER

SUPREME COURT - STATE OF NEW YORK - COUNTY OF NASSAU
PRESENT: HON. ANTHONY L. PARGA, J.S.C.

Part 13

DANIELLE DALVANO,

Plaintiff,

-against-

Index #3496/05

[Action No. 1]

Motion Date: 4/26/07

Sequence No. 003

**PARK VILLAGE REALTY CORP. and HINE
BARCI,**

Defendants.

DANIELLE DALVANO,

Plaintiff,

-against-

Index No. 11423/06

[Action No. 2]

JOHN BARCI,

Defendants.

Notice of Motion, Affs. & Exs. 1

Upon the foregoing papers, the motion by plaintiff in both actions for an order consolidating this action with Action No. 2 is granted to the extent that there shall be a joint trial of both actions upon the filing of a Note of Issue in each action.

The branch of the motion seeking a default judgment in Action No. 2 is denied at this time.

Both actions involve a dog owned by Honey Barci and John Barci that allegedly bit Danielle Dalvano, plaintiff in both actions. Defendant Park Village Realty Corp. is described as the owner of the premises where this tort occurred.

These actions are joined for trial and all parties shall serve upon any party so demanding copies of disclosure documents heretofore obtained in the other action. The

joined actions shall bear the caption as set forth above and all matters of trial practice, including the right to open and close, are reserved to the Justice presiding at the joint trial.


All papers shall reflect the joint status of these actions, and upon completion of discovery, the parties shall file separate Notes of Issue and Certificates of Readiness, as to each action.

Each party shall be entitled to enter separate Judgments and Bill of Costs and Disbursements, in each action respectively, if costs are allowed.

The movant shall serve within 30 days a copy of this Order upon all parties to both actions and upon receipt of this Order, the Nassau County Clerk is directed to join the files. Once the transfer has been effectuated.

The Court notes that while Action No. 2 has an Index No. the action is not on file in this Court. The plaintiff in Action No. 2 shall file an RJJ and a Request for Preliminary Conference with the Supreme Court of Nassau County attaching a copy of this order and indicating thereon the related action of Action No. 1 so that Action No. 2 will be assigned to the part where Action No. 1 is assigned.

Dated: June 28, 2007.



Anthony L. Parga, J.S.C.

ENTERED
JUL 03 2007
NASSAU COUNTY
COUNTY CLERK'S OFFICE