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**SHORT FORM ORDER**

**SUPREME COURT - STATE OF NEW YORK**

**Present:**

**HON. F. DANA WINSLOW,**

**Justice**

**TRIAL/IAS, PART 7**

**MICHELLE BARRA,**

**Plaintiff,**

**MOTION DATE: 11/14/08**

**MOTION SEQ. NO.: 003**

**-against-**

**LISA M. DAVIS, AVIS RENT-A-CAR SYSTEM, LLC  
PV HOLDING CORP. and SARAH M. JAMES,**

**INDEX NO.: 013158/07**

**Defendants**

**The following papers read on this motion (numbered 1):**

**Notice of Motion .....1**

The above actions arise out of a motor vehicle accident which occurred on February 22, 2007 on Manetto Hill Road at or near its intersection with Nick Place, Plainview, County of Nassau. Defendants AVIS RENT-A-CAR SYSTEM, LLC, PV HOLDING CORP. and SARAH M. JAMES in MICHELLE BARRA v. LISA M. DAVIS, AVIS RENT-A-CAR SYSTEM, LLC, PV HOLDING CORP. and SARAH M. JAMES ("Action No. 1") have moved this Court for an order (i) directing that this action be joined for trial pursuant to **CPLR §602(a)**, with the action entitled ALLSTATE INSURANCE COMPANY as subrogee of PATRICK J. O'CONNOR and LISA DAVIS v. PV HOLDING CORP. and SARAH M. JAMES, Index No. 031976/07("Action No. 2"), now pending in the District Court of the County of Nassau, First District: Hempstead Part, (ii) directing that Action No. 2 be removed to the Supreme Court, Nassau County pursuant to **CPLR §602(b)** and **CPLR §510(3)**; and (iii) directing that this action be joined for trial pursuant to **CPLR §602(a)**, with the action entitled LISA O'CONNOR a/k/a LISA DAVIS and PATRICK O'CONNOR v. AVIS RENT-A-CAR SYSTEM, LLC, SARAH M. JAMES and PV HOLDING CORP., Index No. 16753/08 ("Action No. 3"), now pending in Supreme Court, Nassau County (previously pending in Supreme Court, Queens County).

Upon reading and filing the notice of motion dated October 16, 2008, and the affirmation of Blane Magee, Esq., dated that date, and the exhibits thereto attached with proof of due service thereof in support of said motion, said motion having come on regularly to be heard and no one having appeared in opposition thereto, and it appearing to the Court's satisfaction that Actions No. 1, 2 and 3 involve common questions of law and fact and that said actions can be tried together without inconvenience or prejudice to a substantial right of any party to the said actions, and due deliberation having been had, it is

ORDERED that the motion be and the same is hereby **granted** to the extent that Actions No. 1, 2 and 3 are to be tried jointly without consolidation, and it is further;

ORDERED that Action No. 2, Index No. 031976/07 now pending in the District Court of the County of Nassau, First District: Hempstead Part, be hereby removed to this Court for joint trial pursuant to **CPLR §602(b)**; and it is further;

ORDERED that the clerk of the First District Court of the County of Nassau, upon being served with a certified copy of this Order, shall transfer to the clerk of this Court all of the papers in Action No. 2; and it is further;

ORDERED that an RJI in Actions No. 2 and 3 be filed and noticed as related actions to Action No. 1, Index No. 013158/07, and it is further;

ORDERED that the new caption should read as follows:

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NASSAU

\_\_\_\_\_  
MICHELLE BARRA,

Plaintiff,

-against-

LISA M. DAVIS, AVIS RENT-A-CAR SYSTEM, LLC  
PV HOLDING CORP. and SARAH M. JAMES,

Defendants

Justice Assigned:  
F. Dana Winslow

ACTION #1

INDEX NO.: 013158/07

\_\_\_\_\_  
DISTRICT COURT OF THE COUNTY OF NASSAU  
FIRST DISTRICT: HEMPSTEAD PART

\_\_\_\_\_  
ALLSTATE INSURANCE COMPANY as subrogee of  
PATRICK J. O'CONNOR and LISA DAVIS,

Plaintiff,

-against-

PV HOLDING CORP. and SARAH M. JAMES,

Defendants.

ACTION #2

INDEX NO.: 031976/07

\_\_\_\_\_  
SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NASSAU

\_\_\_\_\_  
LISA O'CONNOR a/k/a/ LISA DAVIS and PATRICK  
O'CONNOR,

Plaintiffs,

-against-

\_\_\_\_\_  
AVIS RENT-A-CAR SYSTEM, LLC, SARAH M.  
JAMES and PV HOLDING CORP.

Defendants.

ACTION #3

INDEX NO.: 16753/08

Counsel for defendants AVIS RENT-A-CAR SYSTEM, LLC, PV HOLDING CORP. and SARAH M. JAMES shall serve a copy of this Order on all parties within 15 days after entry of this Order in the records of the Nassau County Clerk.

This constitutes the Order of the Court.

ENTER:

Dated: *Nov 26*, 2008

*F. J. Winslow*  
J.S.C.

**ENTERED**  
DEC 15 2008  
NASSAU COUNTY  
COUNTY CLERK'S OFFICE