

SUPREME COURT OF THE STATE OF NEW YORK - NEW YORK COUNTY

PRESENT: Hon. Barbara R. Kapnick, Acting Administrative Judge
Administrative Order

CWCAPITAL ASSET MANAGEMENT LLC, solely in its
capacity as special servicer for
CWCAPITAL MORTGAGE SECURITIES IV LLC
and CADIM NOTE INC., as holders,

Plaintiff,

- v -

INDEX NO. 101523/10

TWIN HOLDINGS OF DELAWARE LLC, et al.,

Defendants.

Administrative Order:

By letters dated August 24 and 30, 2010, counsel for plaintiff CWCapital Asset Management LLC (CWCapital) requests that this action, together with another related action that is in the process of being transferred to this court from Nassau County, be assigned to the Commercial Division. By letter dated August 26, 21010, counsel for defendant Twin Holdings of Delaware LLC, Herald Square of Delaware LLC and Paul Sohayegh opposes.

This is a commercial mortgage foreclosure action. It was assigned to the Hon. Saliann Scarpulla (I.A.S. Part 19) on May 21, 2010. The parties have briefed a motion for the appointment of a receiver, which was argued and submitted to Justice Scarpulla back on June 30, 2010. This application is clearly past the 10-day time limit of Uniform Rule 202.70(e). The rule also does not allow the party who filed the Request for Judicial Intervention (RJI) to change the designation of the case after the filing of the RJI. The transfer of a related action from Nassau County does not create an exception to this rule.

Accordingly, the application is denied, and the parties are directed to mark this action as related to the Nassau County action and request assignment of same to Justice Scarpulla when the court file is transferred to this court and the RJI is filed.

Dated: September 4, 2010

ENTER:  _____, A.J.
BARBARA R. KAPNICK

Check one: FINAL DISPOSITION

NON-FINAL DISPOSITION

J.S.C.