

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

PRESENT: Hon. Sherry Klein Heitler
Administrative Order

CRÉDIT AGRICOLE CORPORATE AND INVESTMENT
BANK NEW YORK BRANCH, f/k/a CALYON NEW
YORK BRANCH, *et al.*,

Plaintiffs,

- v -

INDEX NO.: 651989/10

BLACK DIAMOND COMMERCIAL FINANCE, L.L.C.,
et al.,

Defendants.

Administrative Order:

By letter dated July 15, 2011, plaintiffs request that this action, now pending before I.A.S. Part 12 (Feinman, J.), be transferred to the Commercial Division pursuant to Uniform Rule 202.70 (e). Defendants oppose the application by letter dated July 18, 2011.

The request is denied as untimely. Uniform Rule 202.70 (e) provides that an application to transfer an action into the Commercial Division must be made by letter application to the Administrative Judge within 10 days of the party's receipt of a copy of the Request for Judicial Intervention (RJI). The 10-day time limit imposed by Uniform Rule 202.70 (e) is strictly construed. Here, the RJI was e-filed by plaintiffs' counsel on February 15, 2011 in connection with plaintiffs' motion to extend the time for filing a complaint. In addition, Uniform Rule 202.70 (e) does not authorize the party that filed the RJI to request a transfer to the Commercial Division.

Accordingly, plaintiffs' request to transfer this action into the Commercial Division is denied.

Dated: July 18, 2011

ENTER: , A.J.

Check one: FINAL DISPOSITION NON-FINAL DISPOSITION