

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

PRESENT: Hon. Jacqueline Silbermann
Administrative Order

SOHO HOUSE NEW YORK LLC,

Plaintiff,

- v -

INDEX NO. 104078/2008

2935 EQUITIES LLC,

Defendant.

Administrative Order:

By letter dated June 20, 2008, counsel for the defendant requests a transfer of this action from I.A.S. Part 59 (James, J.) to the Commercial Division pursuant to Uniform Rule 202.70. While there is no doubt that this litigation involving commercial real estate presents claims that meet the requirements for assignment to the Commercial Division, the request for a transfer is denied as untimely.

This action was originally designated as "Real Property -- Landlord/Tenant" by plaintiff's counsel on the Request for Judicial Intervention (RJI) he filed on March 19, 2008 in connection with an Order to Show Cause. Accordingly, the clerk's office assigned the matter to a non-commercial part, the Hon. Doris Ling-Cohan (I.A.S. Part 36), on March 20, 2008. On that date, the RJI together with a copy of the Order to Show Cause signed by Justice Ling-Cohan was personally served on defendant's counsel. Defendant had 10 days from receipt of the designation of the case to a non-commercial part (see Uniform Rule 202.70[e]) to make an application to transfer the case to the Commercial Division. The recusal of Justice Ling-Cohan on June 18th, after the motion was fully briefed, and the re-assignment of the case to Justice James on June 20th, does not provide a basis to now apply for a transfer to the Commercial Division.

Accordingly, the request for a transfer to the Commercial Division is denied.

Dated: June 24, 2008

ENTER: _____, A.J.

Check one: FINAL DISPOSITION

NON-FINAL DISPOSITION