



STATE OF NEW YORK  
**UNIFIED COURT SYSTEM**  
**FIRST JUDICIAL DISTRICT**  
**SUPREME COURT, CIVIL BRANCH**  
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**A. GAIL PRUDENTI**  
Chief Administrative Judge

**SHERRY KLEIN HEITLER**  
Administrative Judge for Civil Matters  
First Judicial District

**FERN A. FISHER**  
Deputy Chief Administrative Judge  
New York City Courts

## ADMINISTRATIVE ORDER

Pursuant to the authority vested in me as Administrative Judge of this court, I hereby issue this Administrative Order.

The cases listed on the Appendix hereto are, with one exception, pending proceedings in which challenges are raised to subpoenas issued by the Moreland Act Commission appointed to investigate public corruption. The Office of the Attorney General, counsel for the Commission, has requested, by letter dated December 3, 2013 and delivered by hand the same day, that these matters be assigned to a single Justice. At present, these matters are assigned to three different Justices. There is also a connected matter that has not yet been assigned (likewise listed on the Appendix). No opposition to this request has been submitted.

It is the view of the undersigned that these matters should be assigned to a single Justice. The matters are clearly related. Indeed, various petitioners have designated on subsequent Requests for Judicial Intervention that the matters in question are related to others listed on the Appendix. Various cases involve different petitioners, but they all have in common the same adversary and raise challenges to the subpoenas, all of which have been issued by the same body and arise out of the same investigation. The matters involve similar issues, such as arguments that the subpoenas are beyond the authority of the Commission, that they would force attorneys to violate their ethical obligations and would require disclosure of privileged and confidential information, that the actions of the Commission violate the separation of powers, and that the subpoenas are overly broad and burdensome. In many of these matters, the Senate and the Assembly and their officers seek leave to intervene and in two other matters they are the petitioners.

Assignment of these matters to a single Justice will promote efficiency, orderliness, and consistency in the processing of these cases. Absent such assignment, the cases will proceed before three different Justices, with respect to both the motions to intervene and the various petitions, which would be neither efficient nor orderly, and would pose a risk of

inconsistent results.

There is present here no countervailing consideration of judicial economy. None of the matters has been addressed on the merits and briefing remains underway. The various motions to intervene have not been decided either, nor have papers been submitted thereon except by the movants. The only decision that has been made in any of these cases was the grant of an application for *pro hac vice* admission in the first case by the assigned Justice, the Honorable Alice Schlesinger. There has been no investment of judicial time and energy in regard to the merits of these matters that can be lost by assigning all of them to one Justice.

Since the first proceeding challenging a subpoena of the Commission was assigned at random to Justice Schlesinger and another one is pending before her, and since neither of the other Justices assigned to these matters has been involved in their substance thus far, it is appropriate that all the matters be assigned to Justice Schlesinger.

Therefore, I hereby direct the Clerk of the Motion Support Office (Room 119) to reassign to Justice Schlesinger (Part 16) all of the pending matters listed on the Appendix that are not already so assigned.

Further, the Clerks of the Motion Support Office and the Ex Parte Office are hereby directed to assign to Justice Schlesinger any proceeding to challenge a subpoena of the Commission or the work of the Commission in which a Request for Judicial Intervention should hereafter be filed. Counsel hereafter filing an RJI in such a matter are directed to designate the matter in question as one related to those listed on the Appendix and to attach to the RJI a copy of this Administrative Order.

Dated: New York, New York  
December 9, 2013

  
Hon. Sherry Klein Heitler

## **APPENDIX**

### **Pending Matters**

*In re Farrell Fritz, P.C.*, Index No. 160876/2013

*Ruskin Moscou Faltischek, P.C. v. Commission*, Index No. 160932/2013

*In re Harris Beach PLLC*, Index No. 160880/2013

*In re Jordan & Kelly, LLC*, Index No. 160937/2013

*In re Hiscock & Barclay, LLP*, Index No. 160909/2013

*In re Weitz & Luxenberg, P.C.*, Index No. 160927/2013

*In re Sahn Ward Coschignano & Baker, PLLC*, Index No. 160990/2013

*New York State Senate v. Commission*, Index No. 160935/2013

### **Unassigned Matter**

*New York State Senate v. Rice*, Index No. 160941/2013