

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

PRESENT: Hon. Peter H. Moulton
Administrative Order

CAERUS GROUP 4E34 LLC,

Plaintiff,

- v -

INDEX NO. 152648/15

ZIONIST ORGANIZATION OF AMERICA,

Defendant.

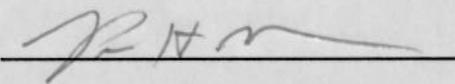
Administrative Order:

By letter dated April 30, 2015, counsel for defendant Zionist Organization of America (ZOA) requests that this action, along with two related matter, B. Bowman and Co., Inc. v. Zionist Organization of America, Index No. 159730/14 (the B. Bowman Action), and In the Matter of the Application of Zionist Organization of America for Approval to Sell Real Property, Index No. 162686/14 (the Special Proceeding), be transferred from I.A.S. Part 19 to Commercial Division Justice Anil Singh or a Commercial Division Justice at random. Counsel for plaintiff B. Bowman and Co., Inc. objects to this request.

In December 2014, ZOA filed a Request for Judicial Intervention (RJI) in both the B. Bowman Action and the Special Proceeding, marking each non-commercial, as well as related to each other. These two matters were assigned to the non-commercial part which Justice Singh previously presided over. After Justice Singh was appointed to the Commercial Division, his inventory, including these two matters, was assigned to Justice O'Neill Levy.

On April 23, 2015, ZOA filed an RJI in this action, marking the case commercial and related to the B. Bowman Action and the Special Proceeding. This action was properly assigned to Justice O'Neill Levy as a related action. The assignment of cases to the Commercial Division is not absolute and may be circumvented in the interest of judicial economy. While, this application is timely, and this action fits within the definition of a commercial case set forth in Uniform Rule 202.70(b), judicial economy is best served by having all three matters remain with Justice O'Neill Levy to avoid inconsistent rulings. Although defense counsel asserts that, in the interest of judicial economy, Justice Singh should preside over these matters, it does not appear that there was any significant involvement of the court while the two earlier matters were assigned to Justice Singh, warranting assignment to him on a judicial economy ground. For these reasons, ZOA's request for a transfer to the Commercial Division is denied.

Dated: May 6, 2015

ENTER: , A.J.

HON. PETER H. MOULTON
J.S.C.