

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

GEORGE J. SILVER

PRESENT: Hon. *George J. Silver*, Acting Administrative Judge
Administrative Order

PACIFIC LEGWEAR, INC.,

Plaintiff,

- v -

INDEX NO. 650700/16

LISA SIZEMORE, FRANNIE GIRL PRODUCTS,
INC., EVERYTHING LEGWEAR, INC.,

Defendants.

Administrative Order:

By letters dated June 29 and July 1, 2016, plaintiff's counsel requests that this action be assigned to the Commercial Division pursuant to Uniform Rule 202.70 (e). Defendants oppose the request as untimely by their counsel's letter dated June 30, 2016.

The complaint in this action was filed on February 10, 2016, and service was effected between February 19 - 29, 2016. Thus, the last day for any party to seek assignment to the Commercial Division by filing a Request For Judicial Intervention (RJI) and Commercial Division Addendum was Monday, May 30, 2016 (see Uniform Rule 202.70 [d]). An RJI was filed by defense counsel on June 16, 2016, and, although the case was given an "Other Commercial" designation, the required addendum was not filed. While the fact that this action was removed to federal court on March 21, 2016 and only remanded on May 18, 2016 might be deemed "good cause" to excuse the delay in requesting assignment to the Commercial Division, a letter request for assignment to the Commercial Division must be made within 10 days of service of the RJI (see Uniform Rule 202 [e]).

For these reasons, the plaintiff's request for assignment of this action to the Commercial Division is denied as untimely.

Dated: July 5, 2016

ENTER:

George J. Silver

, A.J.

HON. GEORGE J. SILVER

Check one: FINAL DISPOSITION

NON-FINAL DISPOSITION