

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

PRESENT: Hon. Peter H. Moulton
Administrative Order

CITY OF NEW YORK, and

STATE OF NEW YORK, CITY OF NEW YORK
ex rel. CLIFFORD WEINER

Plaintiff,

INDEX NO. 104330/12

- v -

SIEMENS ELECTRICAL, LLC, f/k/a SCHLESINGER-SIEMENS ELECTRICAL, LLC; SIEMENS INDUSTRY, INC., f/k/a SIEMENS ENERGY & AUTOMATION, INC.; and SCHLESINGER ELECTRICAL CONTRACTORS, INC.,

Defendants.

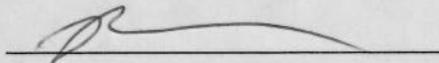
Administrative Order:

By letter dated April 12, 2016, plaintiff requests that this action be assigned to the Commercial Division pursuant to Uniform Rule 202.70 (e), and, in particular, to the Hon. O. Peter Sherwood as related to Siemens Electrical, LLC v N.Y.C Dept. of Environmental Protection, Index No. 650277/13 (26th Ward Action) or to the Hon. Jeffrey Oing as related to Schlesinger-Siemens Electrical, LLC v N.Y.C. Department of Environmental Protection, Index No. 650968/12. Corporation Counsel advises that all defendants in this action consent to the transfer of the case to the Commercial Division and referral to Justice Sherwood.

Good cause for excusing the 10-day time limit in seeking assignment to the Commercial Division has not been demonstrated. Uniform Rule 202.70 (e) requires that applications for a transfer to the Commercial Division be made promptly. Even excusing the delay between the filing of the action in November 2012 and the filing of the superceding complaint on January 21, 2016, all defendants appeared as of February 22, 2016, and, yet, this request was not made until April 12, 2016. In addition, I have conferred with Justice Sherwood (see N.Y. County Operations Manual, § I [D] [2]), and he does not believe that judicial economy is best served by the re-assignment of this case to his commercial part as related to the 26th Ward Action.

For these reasons, the parties' request for assignment to the Commercial Division is denied.

May 6, 2016

ENTER:  , A.J.

HON. PETER H. MOULTON
SUPREME COURT JUSTICE