

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

PRESENT: Hon. Sherry Klein Heitler
Administrative Order

YONKERS CONTRACTING COMPANY, INC.,

Plaintiff,

- v -

INDEX NO.: 103691/11

NEW YORK CITY DEPARTMENT OF
ENVIRONMENTAL PROTECTION,

Defendant.

Administrative Order:

By letter dated September 15, 2011, plaintiff requests that this action, currently assigned to City Part 52 (Kern, J.), be assigned to the Commercial Division pursuant to Uniform Rule 202.70 (e). There is no response from Corporation Counsel.

The request is denied as untimely. Uniform Rule 202.70 (e) provides that a request to transfer an action into the Commercial Division must be made by letter application to the Administrative Judge within 10 days of the party's receipt of a copy of the Request for Judicial Intervention (RJI). The 10-day time limit imposed by Uniform Rule 202.70 (e) is strictly construed. Here, the RJI was filed on July 11, 2011 by plaintiff and Justice Kern was assigned to the case shortly thereafter.

Dated: September 23, 2011

ENTER: , A.J.

Check one: FINAL DISPOSITION NON-FINAL DISPOSITION