

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

PRESENT: Hon. Joan B. Carey, Interim Administrative Judge
Administrative Order

MARIA COGNATA,

Plaintiff,

- v -

INDEX NO. 602890/08

NEXT MANAGEMENT, LLC, JOEL WILKENFELD,
FAITH KATES, and MILIE PELLET,

Defendants.

Administrative Order:

By letter dated December 22, 2008, counsel for the plaintiff requests that this action be transferred to the Commercial Division pursuant to Uniform Rule 202.70.

Uniform Rule 202.70(e) provides that an application 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 RJI was served by defendants' counsel, by overnight mail, on December 5, 2008, in connection with defendants' motion to dismiss. The Hon. Walter B. Tolub, a non-commercial judge, was assigned to this action on December 8, 2008. Indeed, plaintiff's counsel does not specify when the RJI was received by his office, and thus I can only conclude that the application is untimely.

For these reasons, plaintiff's application is denied.

Dated: December 23, 2008

ENTER:  Joan B. Carey, A.J.

Check one: FINAL DISPOSITION

NON-FINAL DISPOSITION