

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

PRESENT: Hon. JACQUELINE W. SILBERMAN
Administrative Judge Justice

PART _____

Joseph P. Shelley, Jr., et al.

INDEX NO. 602254/2005

- v -

Robert I. Bodian et al.

MOTION DATE _____

MOTION SEQ. NO: _____

MOTION CAL. NO: _____

Administrative Order

The following papers, numbered 1 to _____ were read on this motion to/for _____

PAPERS NUMBERED

Notice of Motion/ Order to Show Cause – Affidavits – Exhibits ...

Answering Affidavits – Exhibits _____

Replying Affidavits _____

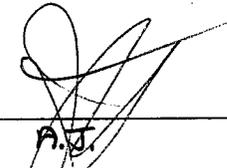
Cross-Motion: Yes No

~~Upon the foregoing papers, it is ordered that this motion~~

MOTION/CASE IS RESPECTFULLY REFERRED TO JUSTICE FOR THE FOLLOWING REASON(S):

Counsel for a defendant in this matter requests a transfer to the Commercial Division pursuant to Section 202.70 of the Uniform Rules for the Trial Courts. The Request for Judicial Intervention in this case was filed on Sept. 20, 2005. This case, a legal malpractice action, was assigned as a General case at that time in conformity with the *Guidelines for Assignment of Cases to the Commercial Division*. Counsel for defendant is of the view that the case can now be heard in the Division under the new standards set out in Section 202.70. However, in my opinion, orderly procedure requires that the Section apply only to RJIs filed on or after the effective date of the Section. See Bistate Oil Management Co. v. US Skyline Realty Ltd., Index No. 117022/2005 (see the New York County home page at www.nycourts.gov/comdiv). The request is therefore denied.

Dated: 2/28/06


A.J. J.S.G.

Check one: FINAL DISPOSITION NON-FINAL DISPOSITION

Check if appropriate: DO NOT POST REFERENCE