

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

PRESENT: Hon. Jacqueline Silbermann
Administrative Order

CITY OF NEW YORK,

Plaintiff,

- v -

INDEX NO. 403612/04

BARNEY SKANSKA CONSTRUCTION,
SKANSKA USA BUILDING, INC., MASPETH
WELDING, INC., MILLER DRUCK SPECIALTY
CONTRACTING, INC.,

Defendants.

Administrative Order:

This action was brought by the City of New York against the defendant construction entities for breach of a construction contract relating to the renovation of City Hall Park. All parties request that this action be transferred out of City Part 5 (Rakower, J.) and re-assigned to an Individual Assignment Part for further case management. The request is granted. This action is not a tort case in which the City of New York is a party and in which the City is represented by the Tort Division of the Corporation Counsel's Offices. See Section B(1) of the Court's Procedures, entitled "City Case Automated Differentiated Case Management: City DCM - Overview."

The Skanska defendants further request that this action be assigned to the Commercial Division. A Request For Judicial intervention (RJI) was filed on November 21, 2005. This request, allegedly first made in June of 2006, exceeds the 10-day time limit on objections to the assignment of a case to a non-commercial part (see Uniform Rule 202[e]), and is denied as untimely.

Accordingly, the Motion Support Office is directed to reassign this case at random to an Individual Assignment Part. (A motion for default judgment is presently returnable on October 25, 2006 in the Submissions Part).

Dated: October 18, 2006

ENTER: _____, A.J.

Check one: FINAL DISPOSITION

NON-FINAL DISPOSITION