

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

PRESENT: Hon. JACQUELINE W. SILBERMAN
Administrative Judge Justice

PART _____

Midori Shimamoto et al.

INDEX NO. 031003/1991

- v -

S & F Warehouses, Inc.

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~~

Counsel for plaintiffs has requested that this case be assigned to the Commercial Division. Apparently, no other party has objected to the request.

This case was previously tried and a directed verdict was ordered. The Court of Appeals reversed and remanded the matter for a new trial. At the second trial, the court (Wilkins, J.) dismissed at the close of plaintiffs' case. In a decision and order dated August 11, 2005, the Appellate Division reversed and remanded the case for a new trial.

This case involves the alleged improper enforcement of a warehouseman's lien (UCC Art. 7) and what is claimed to have been a commercially unreasonable sale. Plaintiffs contend that this case is suitable, both in terms of the issues involved and the sums claimed, for assignment to the Commercial Division. Plaintiffs state that this case would have in all likelihood been assigned to the Division had the Division existed at its initiation. However, there have been a number of assignments of this case since the Division's creation, but it does not appear from the plaintiffs' letter that this request was made before. At this point, as indicated, the case is ready for trial.

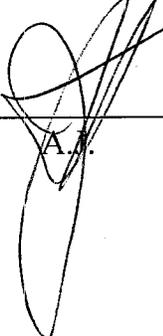
Dated: _____ / _____ / _____ J.S.G.

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

Check one: FINAL DISPOSITION NON-FINAL DISPOSITION
Check if appropriate: DO NOT POST REFERENCE

Although this case is listed in the computer as assigned to Justice Wilkins, hers is not a General Assignment Part, but rather a Trial Part. The case was assigned to her out of Part 40, the Administrative Coordinating Part. The case is now scheduled to appear in Part 40 (Hon. Ira Gammerman, JHO), on October 21, 2005. Having considered the matter, I think it is appropriate for Justice Gammerman to assign the case to a Justice for trial in light of the availability of Justices at the time. I will forward to Justice Gammerman a copy of this directive and plaintiffs' letter request.

Dated: 10/3/05



A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right. The signature is written over a horizontal line.