

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

PRESENT: Hon. Deborah A. Kaplan, Administrative Judge
Administrative Order

ABRAM SABO,

Plaintiff,

- v -

INDEX NO. 652899/2013

ALBERT CANDERO, HEATH CANDERO,
MAXINE CANDERO, KING SPRING TAXI INC.,
H & M CAB CORP., BONEHEAD LLC, NIGHT
OWL NYC LLC, HEATH MANAGEMENT CORP.,
GOLD TAXI BROKERS, INC., AND
CAPITAL ONE EQUIPMENT FINANCE CORP.,
INDIVIDUALLY, AND CAPITAL ONE
MEDALLION FINANCE, A TRADE NAME OF
CAPITAL ONE EQUIPMENT FINANCE CORP.,

Defendants.

Administrative Order:

By letter dated July 31, 2018, counsel for defendant Capital One Equipment Finance Corp. (Capital One) requests assignment of this 2013 action to the Commercial Division pursuant to Commercial Division Rule 202.70 (e). Plaintiff opposes the request by his letter dated July 31, 2018.

The request is denied as untimely. The Commercial Division Rules provide that if the party that filed the Request for Judicial Intervention (RJI) did not request assignment to the Commercial Division, any other party may apply by letter application for a transfer no later than 10 days from that party's receipt of the RJI (see Commercial Division Rule 202.70 [d] and [e]). Capital One was served with the Amended Complaint on April 25, 2018, and sought an extension of time to respond to that pleading by motion to the assigned judge, the Hon. Kelly O'Neill Levy, on May 15, 2018, which application was granted by her order dated May 16, 2018. Thus, Capital One was aware of the fact that this action was not assigned to the Commercial Division at that time, and no excuse for the more than two-month delay in making this request has been offered. In addition, Justice O'Neill Levy has been assigned to this case for more than three years, and judicial economy is not served by a transfer to the Commercial Division at this point in time.

Dated: August 1, 2018

ENTER: Deborah A. Kaplan

A.J.

Hon. Deborah A. Kaplan
Administrative Judge
Supreme Court, New York County
Civil Branch

Check one: FINAL DISPOSITION

NON-FINAL DISPOSITION