

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

PRESENT: Hon. George J. Silver, Acting Administrative Judge  
Administrative Order

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CUTTING ROOM FILMS LLC,

Plaintiff,

- v -

INDEX NO. 655893/2017

SOHO AOA OWNER, LLC, OSS 2016 LLC  
and 2016 SOHO LLC,

Defendants.

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Administrative Order:

By letter dated November 9, 2017, plaintiff's counsel requests assignment of this action to the Commercial Division pursuant to Commercial Division Rule 202.70 (e) and contends that a related case is currently pending before the Hon. Charles E. Ramos. By letter of the same date, defendants' counsel objects to the request as untimely and an attempt at "judge-shopping."

The Summons and Complaint, along with a Request for Judicial Intervention (RJI) and Order to Show Cause (OSC), was filed by plaintiff's prior counsel on September 18, 2017. The case, although designated as "Commercial - Contract," was properly assigned to a non-commercial part (Cohen, J.) due to the absence of the required Commercial Division Addendum. The RJI also does not list any related actions. Justice Cohen signed the OSC on September 19, 2017. In addition to granting the plaintiff a temporary restraining order against the termination of the parties' commercial lease, he ordered plaintiff to post an undertaking and pay ongoing use and occupancy for the premises. By letters dated October 23 and 25, 2017, defendants' counsel advised Justice Cohen that plaintiff was in violation of the OSC and requested that he vacate the temporary restraining order. A consent to change counsel for the plaintiff was filed on November 9, 2017.

The request for assignment to the Commercial Division is denied as untimely (see Commercial Division Rule 202.70 [e]). This letter application was filed more than 10 days after the RJI was filed and Justice Cohen was assigned to the case, and no excuse is offered for the delay. In addition, the right to seek assignment to the Commercial Division pursuant to Rule 202.70 (e) is limited to "any other party," not the party that filed the RJI. Nor does plaintiff's counsel identify the allegedly related action.

Dated: November 16, 2017

ENTER: George J. Silver, A.J.

Check one:  FINAL DISPOSITION

NON-FINAL DISPOSITION