

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

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

TURNER CONSTRUCTION COMPANY,

Plaintiff,

- v -

INDEX NO. 654422/2017

PIRRAGLIA CONTRACTING, INC.,

Defendant.

Administrative Order:

By letter dated October 6, 2017, plaintiff's counsel requests that this action be assigned to the Commercial Division. Defendant's counsel objects on the ground that the request is untimely by his letter dated October 9, 2017.

The Commercial Division Rules require that assignment to the Commercial Division occur within 90 days of service of the complaint by the filing of a Request for Judicial Intervention (RJI) and the required Commercial Division RJI Addendum (see Commercial Division Rule 202.70 [d]). Service of the complaint was completed on June 29, 2017, however plaintiff did not file the RJI and Addendum until October 3, 2017. Good cause to excuse the delay has not been demonstrated. This action qualified for assignment to the Commercial Division based on the allegations of the complaint alone (see Commercial Division Rule 202.70 [b]). Thus, the filing of an answer with counterclaims on August 2, 2017 does not justify a departure from the rule's 90-day time period (see 361 Broadway Assoc. Holding LLC v Foundations Group I, Inc., Index No. 651150/2017, Admin. Order dated July 20, 2017.)

For these reasons, plaintiff's request for assignment to the Commercial Division is denied as untimely.

Dated: October 12, 2017

ENTER: George J. Silver, A.J.

Check one: FINAL DISPOSITION

NON-FINAL DISPOSITION