

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

PRESENT: Hon. Peter H. Moulton
Administrative Order

CARNEGIE HILLS PROPERTIES, LLC,
ORMONDE EQUITIES, LLC, 2030 EMBASSY LLC,
ST. ANDREWS DEVELOPMENT CORP.,
BARRINGTON CONSTRUCTION CORP.
and 1641 PARK AVE. ASSOCIATES,

Plaintiffs,

INDEX NO. 651136/16

- v -

JPMORGAN CHASE BANK, N.A.,

Defendant.

Administrative Order:

By letter dated February 17, 2017, counsel for defendant JPMorgan Chase Bank, N.A. (Chase Bank), advises that this action, currently assigned to Commercial Division Justice Eileen Bransten, is substantially related to an action pending before Commercial Division Justice Shirley Werner Kornreich entitled Carnegie Hill Properties, LLC v Capital One, N.A., Index No. 651138/16. Accordingly, Chase Bank requests that the two actions be assigned to the same Commercial Division Justice. After further inquiry, I am advised that all parties agree that the two actions are related and should be assigned to the same Justice. Capital One, N.A. (Capital One), however, objects to the reassignment of his action away from Justice Kornreich.

Generally, when two actions are related, the judge who is assigned to the action with the earlier-filed Request For Judicial Intervention (RJI) is assigned both actions. The RJI in the Chase Bank action was filed on May 25, 2016, while the RJI was filed in the Capital One action on June 27, 2016, which means that Justice Bransten would normally be assigned both actions. However, this may be prejudicial to Capital One. The Chase Bank action is in the midst of discovery, and Justice Bransten and indicated that any summary judgment motions must be filed at the conclusion of discovery and after the note of issue is filed. In the Capital One action, Capital One charted a different procedural course, with the consent of Justice Kornreich, in order to address, in expedited fashion, a threshold and potentially dispositive issue pertaining to the statute of limitations. After completing limited discovery on this issue, Capital One filed a motion for summary judgment, which is presently in the briefing stage. The parties expressly reserved all rights with regard to any further discovery which may be necessary should this motion not prove to be completely dispositive.

I find, therefore, that good cause exists to deviate from the normal rule regarding the assignment of two related cases. The General Clerk's Office is directed to reassign this action from Commercial Division Part 3 (Bransten, J.) to Commercial Division Part 54 (Kornreich, J.) as related to Carnegie Hill Properties, LLC v Capital One, N.A., Index No. 651138/16.

This administrative order addresses only the question of the judicial assignment. Any request to join these two actions for purposes of discovery and/or trial, pursuant to CPLR 602 (a), must be raised with Justice Kornreich.

March 27, 2017

ENTER:  _____, A.J.

Check one: FINAL DISPOSITION NON-FINAL DISPOSITION