

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

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

LONG ISLAND STEEL CORP,

Plaintiff,

- v -

INDEX NO. 654905/2016

560 ASSOCIATES DELAWARE LLC, FAIRPOINT BUILDERS LLC, TISHON CONTRACTING CO., INC., CITYWIDE ELECTRICAL WIRING, INC., GOOD-WILL MECHANICAL CORP., VECTOR BUILDING CORP., PROFILE BUILDERS INC., and VANQUISH GROUP INC.,

Defendants.

Administrative Order:

By letter dated June 28, 2017, counsel for plaintiff Long Island Steel Corp. requests that this action be re-assigned from I.A.S. Part 59 (James, J.) to the Commercial Division based on the filing of an answer with counterclaims by defendant Fairpoint Builders LLC, by which this defendant seeks damages in excess of \$1.3 million. All parties consent to the transfer, and signed a stipulation to that effect at the preliminary conference held on June 13, 2017.

The request is denied as untimely (see Uniform Rule 202.70 [d], [e], [f]). The rules of the Commercial Division provide that assignment to the division be accomplished within 90 days of service of the complaint. In addition, objections to a party not filing a Commercial Division Addendum or to the transfer of a case out of the Commercial Division must be made within 10 days. These time limits seek to ensure that an action is placed in the Commercial Division at its inception, and are strictly construed in order to avoid the waste of judicial resources and to prevent judge-shopping. The complaint in this action was filed on September 15, 2016. Service of process was effected by September 19, 2016. Fairmont Builders LLC filed its answer with counterclaims on December 14, 2016. Between the filing of the complaint and this application, motion seq. no. 001 was filed and resolved and a preliminary conference was scheduled. The parties offer no reason to excuse the lengthy delay in requesting assignment to the Commercial Division.

Dated: July 5, 2017

ENTER: George J. Silver, A.J.

Check one: FINAL DISPOSITION

NON-FINAL DISPOSITION

GEORGE J. SILVER
J.S.C.