

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

PRESENT: Hon. Peter H. Moulton  
Administrative Order

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IMPERIUM REALTY LLC,

Plaintiff,

- v -

INDEX NO. 653930/12

THE SORGENTE GROUP OF AMERICA  
CORPORATION and MICHELANGELO REAL  
ESTATE CORPORATION,

Defendants.

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Administrative Order:

By letter dated March 27, 2015, plaintiff timely applies for a transfer of this action from I.A.S. Part 15 (Rakower, J.) to the Commercial Division. Defendants oppose the request by their counsel's March 31st response.

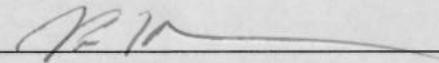
In this action, which was commenced on November 14, 2012, plaintiff seeks to recover the sum of \$427,500 as compensation for brokering the sale of commercial real property located in Los Angeles. Plaintiff admits that the action does not meet the current \$500,000 monetary threshold for the assignment of cases to the Commercial Division, which was the reason the case was not assigned by the General Clerk's Office to a commercial judge when plaintiff filed the Request For Judicial Intervention (RJI) and Commercial Division Addendum on March 16, 2015. Plaintiff, however, argues that the amendment to Uniform Rule 202.70 (a), effective on February 17, 2014 (see Administrative Order of the Chief Administrative Judge of the Courts dated January 28, 2014, AO/32/14), does not apply to cases commenced prior to its effective date. I do not agree.

Unlike other administrative orders of the Chief Administrative Judge of the Courts, AO/32/14 does not indicate that it applies only to actions filed after its effective date. For example, Judge Prudenti's Administrative Order dated August 6, 2014 (AO/117a/14) was issued to make clear that AO/117/14, which had amended sections 202.70 (d) - (e) regarding requesting assignment of cases to the Commercial Division (see AO/117/14, dated July 1, 2014), "shall apply only to cases filed on or after that effective date." AO/32/14 does not contain any such limiting language, and, thus, it applies to any RJI filed on or after February 17, 2014. Plaintiff's reliance on the Administrative Order signed by Justice Heitler in Financial Medical Systems, Inc. v Medi-Claim Services, LLC et al., Index No. 650820/14, is misplaced. In that case, both the filing of the action and the filing

of RJI occurred after February 17, 2014. Accordingly, there was no question that the new \$500,000 monetary threshold for New York County was applicable.

For the foregoing reasons, plaintiff's request to transfer this case to the Commercial Division is denied.

Dated: April 2, 2015

ENTER: 

Check one:  FINAL DISPOSITION

NON-FINAL DISPOSITION