

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

PRESENT: Hon. Sherry Klein Heitler
Administrative Order

In the Matter of the Application of

LEON POKOIK, individually and as a partner of
LEON POKOIK FAMILY PARTNERS, LP, and
LEON POKOIK FAMILY PARTNERS LP,

Petitioners,

For a Judgment Pursuant to Article 78 of the
Civil Practice Law and Rules,

- v -

INDEX NO. 101239/14

575 REALTIES, INC. and STEINBERG & POKOIK
MANAGEMENT CORP.,

Respondents.

Administrative Order:

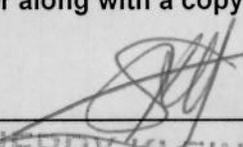
By letter dated February 18, 2015, counsel for respondents requests that this Article 78 proceeding be reassigned to Commercial Division Justice J. Oing on the ground that it is related to Pokoik, et al. v. Norsel Realities, et al., Index No. 653382/14 (the Pokoik action). By letter dated February 20, 2015, counsel for petitioners opposes this request on the grounds that (1) the request is untimely, (2) this Article 78 proceeding is not eligible for the Commercial Division, and (3) argument in this Article 78 proceeding is already set for April 15, 2015 and there would be prejudice to petitioners if transferred.

On October 27, 2014, petitioners commenced this Article 78 proceeding, and filed a Request for Judicial Intervention (RJI) on November 12, 2014. This proceeding was assigned to Justice Wooten on November 13, 2014. On November 4, 2014, Leon Pokoik and other named plaintiffs commenced the Pokoik action, and, on December 22, 2014, filed an RJI marking the action commercial. Thus, the Pokoik action was assigned to Commercial Division Justice Oing. Neither RJI marked these two matters related.

Under Uniform Rule 202.70 (e), a request to the Administrative Judge to transfer this proceeding to the Commercial Division is untimely. However, either party may seek a determination by Justice Wooten as to whether this proceeding is related to the Pokoik action, as that decision belongs, in the first instance, to the assigned Justice (see Section I[B] of the "Summary of Courthouse Procedures"). If Justice Wooten finds that the cases are truly related, he may direct, by issuing an order, attaching a copy of this Administrative Order, that this action be reassigned to Judge Oing. I am forwarding this order along with a copy of the parties' letters to Justice Wooten.

Dated: February 24, 2015

ENTER: _____, A.J.


HON. SHERRY KLEIN HEITLER
ADMINISTRATIVE JUDGE