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

PRESENT: Hon. Sherry Klein Heitler
Administrative Order

CAVA CONSTRUCTION & DEVELOPMENT INC.,

Plaintiff,

- v -

INDEX NO. 650082/2014

TOWER INSURANCE COMPANY OF NEW YORK and I.K.E. ELECTRICAL CORP. a/k/a IKE ELECTRICAL CORP.,

Defendants.

Administrative Order:

By letter dated July 14, 2014, counsel for defendant Tower Insurance Company of New York requests that this action be assigned to the Commercial Division. Counsel's letter states that he is making a joint application with defendant I.K.E Electrical Corp.

On June 18, 2014, plaintiff's counsel filed a Request for Judicial Intervention (RJI) in connection with a request for a preliminary conference. The RJI was not accompanied by a Commercial Division Addendum. On June 26, 2014, plaintiff's counsel applied to the Court for a transfer into the Commercial Division, but such request was denied on July 14, 2014, as the right to appeal an RJI designation is limited to "any other party" (Uniform Rule 202.70[e]), and the Court had not received a response to plaintiff's letter from either defendant. The Court had contacted plaintiff's counsel requesting that counsel organize a conference call with all parties to discuss the matter. The July 14th Order was issued prior to receiving a response. Under the particular circumstances, I deem defendants' present request timely. As this action involves the breach of a contract in connection with the construction of a hotel on West 37th Street in Manhattan, and seeks damages of approximately $2.5 million, it falls within the standards for assignment of cases to the Commercial Division (Uniform Rule 202.70 [b][1]) .

Accordingly, defendants' request to transfer this action into the Commercial Division is granted. The Trial Support Office is directed to assign this case at random to a Justice of the Commercial Division.

Dated: July 15, 2014

ENTER: , A.J.