

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

PRESENT: Hon. Sherry Klein Heitler  
Administrative Order

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NICHOLAS ROMANOFF, a minor, suing, pursuant to BCL § 626, in his capacity as a shareholder of NEW ROADS REALTY CORP., in the right of NEW ROADS REALTY CORP. as the sole shareholder of GHC NY CORP. suing in the right of GHC NY CORP., by his parent and natural guardian, ROBERT ROMANOFF,

Plaintiff,

- v -

INDEX NO. 151160/14

GERALD ROMANOFF, SHERYL ROMANOFF, MICHAEL A. ZIMMERMAN, 55 GANS JUDGMENT LLC as successor-in-interest to UNION CENTER NATIONAL BANK, 55 GANS LENDER LLC as successor-in-interest to CAPITAL ONE, NATIONAL ASSOCIATION (as successor by merger to NORTH FORK BANK), GRIFFON GANSEVOORT HOLDINGS LLC, GHC NY CORP., THE SHERYL ROMANOFF IRREVOCABLE GRANTOR TRUST by ROBERT ROMANOFF and FRANK PLATT as Trustees, NEW ROADS REALTY CORP., JOHN and JANE DOES "1" through "10", et al.,

Defendants.

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Administrative Order:

By letters dated March 4 and 11, 2014, counsel for defendants Gerald Romanoff, Sheryl Romanoff, GHC NY Corp., and New Roads Realty Corp. (the Romanoff Defendants) timely request assignment of this action to the Commercial Division, and particularly to the Honorable O. Peter Sherwood, as related to two actions assigned to Justice Sherwood as more fully described below. By letters of the same date, defendants 55 Gans Judgment LLC, 55 Gans Lender LLC, and Griffon Gansevoort Holdings LLC (the Shah Defendants) request the same relief. By letter dated March 11, 2014, plaintiff's counsel opposes, and argues that the action should be assigned to the Honorable Anil C. Singh.

There is no doubt that this shareholder derivative action meets the standards for assignment to the Commercial Division (see Uniform Rule 202.70[c]). There is, however, no less than four other actions that have been filed in this court alone that touch upon this acrimonious dispute between members of the Romanoff family and the creditors of the family's meat-packing and realty companies. These actions are:

(1) Robert Romanoff, et al. v Gerald Romanoff and Michael A. Zimmerman, Index No. 650152/2011, filed on January 20, 2011 and assigned to the Hon. Anil C. Singh (the Singh Action).

(2) 55 Gans Lender LLC As Successor In Interest to Capital One, Nat. Assn. (As Successor By Merger to North Fork Bank) v GHC NY Corp., et al., Index No. 850024/11, filed on April 8, 2011 and assigned to the Hon. O. Peter Justice Sherwood of the Commercial Division.

(3) 55 Gans Judgment LLC As Successor In Interest to Union Center National Bank v Gerald Romanoff, et al.; Index No. 106008/11, filed on May 23, 2011 and assigned to the Hon. Manuel J. Mendez.

(4) Robert Romanoff, et al. v Griffon Gansevoort Holdings LLC, et al., Index No. 652705/2012, filed on August 3, 2012 and assigned to Justice Sherwood.

The applications by the Romanoff and Shah Defendants for assignment to the Commercial Division and to the Hon. O. Peter Sherwood are denied. Justice Sherwood is not being assigned new matters in this court at this time. Since the genesis of this dispute appears to have started with the first-filed Singh Action, this new action is properly assigned to Justice Singh as a related matter in accordance with the Request For Judicial Intervention (RJI) that was filed in this action by plaintiff's counsel on March 2, 2014.

In addition, in order to avoid inconsistent results and to conserve judicial economy, I am requiring that any and all future actions:

(a) filed between and among:

Gerald Romanoff, Sheryl Romanoff, Robert Romanoff, Michael Romanoff, The Sheryl Romanoff Irrevocable Grantor Trust, New Roads Realty Corp., GHC NY Corp., Griffon Gansevoort Holdings LLC, 55 Gans Lender LLC, 55 Gans Judgment LLC, Griffon 55 Gans LLC, Griffon Gans Manager LLC, Griffon GHC LLC, 501 Church LLC, Michael Shah, Delshah Capital LLC, August C. Venturini, Esq., Venturini & Associates, Frank Platt, and/or Michael A. Zimmerman; and

(b) relating to properties located at: (1) 53-61 Gansevoort Street, New York, New York; and/or (2) 501-511 Church Avenue, Brooklyn, New York;

be assigned to Justice Singh and the RJI shall be filed with a copy of this Administrative Order attached thereto.

*[A large, faint, curved line or signature mark spans across the middle of the page.]*

Dated: March 12, 2014

ENTER: , A.J.

Check one:  FINAL DISPOSITION       NON-FINAL DISPOSITION