

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

PRESENT: Hon. Sherry Klein Heitler
Administrative Order

NANCY SHURKA, MELANIE SHURKA and
MATHEW SHURKA,

Plaintiffs,

- v -

INDEX NO. 110809/10

EFRAIM SHURKA, MANNY SHURKA
ESTHER ZERNITSKY and MALKA CARMAZI,

Defendants,

[AND NOMINAL DEFENDANTS].

Administrative Order:

By letter dated August 27, 2010, counsel for the defendants and nominal defendants requests that this action, currently assigned to the Hon. Saralee Evans (I.A.S. Part 51), be assigned to the Commercial Division pursuant to Uniform Rule 202.70. Plaintiffs oppose the request by letter dated August 30, 2010. The court has also received a letter in opposition dated August 30, 2010 from counsel for defendant Efraim Shurka's wife, Jane Shurka.

This action was assigned to Justice Evans as related to the pending matrimonial action between Jane Shurka and defendant Efraim Shurka (Index No. 304584/08), the parents of the three plaintiffs herein. Defendants contend that the two actions are not related. However, the decision as to whether the Shurka matrimonial action and this action by the Shurka children against their father and his siblings for declaratory relief relating to the ownership and control of the "family business" are related, belongs, in the first instance, to the assigned Justice (see Section I[B] of the "Summary of Courthouse Procedures"). If Justice Evans determines that this action is not related to the Shurka matrimonial action, she is directed to order re-assignment of this action to a Commercial Division judge.

Dated: September 13, 2010

ENTER:  _____, A.J.

Check one: FINAL DISPOSITION

NON-FINAL DISPOSITION