

STATE OF NEW YORK  
**UNIFIED COURT SYSTEM**  
**FIRST JUDICIAL DISTRICT**  
**SUPREME COURT, CIVIL BRANCH**  
60 CENTRE STREET  
NEW YORK, NEW YORK 10007-1474  
1-646-386-3170  
FAX 1-212-374-1803

**ANN T. PFAU**  
Chief Administrative Judge

**JOAN B. CAREY**  
Deputy Chief Administrative Judge  
New York City Courts

**JACQUELINE W. SILBERMANN**  
Administrative Judge  
First Judicial District  
Supreme Court, Civil Branch

## **ADMINISTRATIVE ORDER**

I have been informed by the staff of the court that a number of actions have been instituted in this court arising out of the collapse of a construction crane at a site on East 51 Street in Manhattan that took place on March 15, 2008. Specifically, it appears that there are five such actions pending in which Requests for Judicial Intervention have been filed. These five actions have been assigned to two different Justices. These actions are tort actions in which the plaintiffs seek money damages for wrongful death, personal injury and the like based upon allegations of negligence and other similar theories. A list of these actions is attached. (There is also, it appears, one related action pending in Kings County, but that, of course, is not covered by this Order; an Order of the Litigation Coordinating Panel (see Uniform Rule § 202.69) would be required if there are related actions pending in more than one County and they are to be coordinated for pretrial purposes.)

In addition, there are two actions pending in this court in which RJIs have been filed in which Reliance is the plaintiff. These cases, which are included on the attached list, are different from the five tort actions. One seeks to foreclose a lien and the other seeks recovery upon guarantees alleged to have been posted by persons involved in the financing of the project. Discovery and motion practice in these two actions will clearly differ from that in the five tort cases. These two cases have been assigned to two Justices.

It would promote efficiency in the handling of the actions in this county, thereby benefitting all parties, minimize the burdens on the Justices of this court, and avoid the possibility of inconsistent rulings if all of the tort actions were to be assigned to a single Justice of this court. Since the City of New York is a party in two of these cases and they have been assigned to a City Part, it is appropriate that all of the tort cases be assigned to that Part. The considerations of efficiency, minimization of burdens, and avoidance of inconsistent rulings also suggest that the lien and guarantee actions should be assigned to a single Justice. These considerations also dictate that provision be made for orderly processing of any related actions in which an RJI may be filed in the future. Accordingly, pursuant to the authority vested in me as Administrative Judge of this court, I hereby direct as follows:

1. All tort actions that are now pending, including the Della Porta, White, and Rapetti cases listed on the attached sheet, and or that are hereafter commenced in this court in which the plaintiff seeks money damages for wrongful death, personal injury or damage to property arising out of the

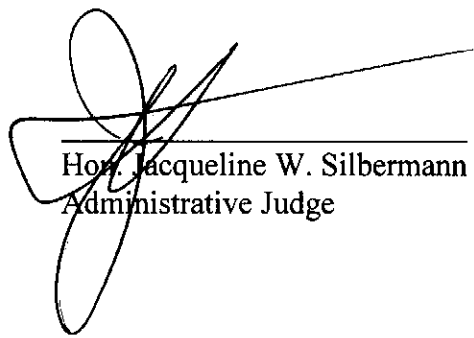
collapse of a construction crane at a building site on East 51<sup>st</sup> in Manhattan that took place on March 15, 2008 (“Crane Collapse Tort Actions”) shall be assigned to Justice Karen S. Smith, Part 62, irrespective of whether the City of New York is, hereafter becomes or ceases to be a party to any such case. The Motion Support Office is hereby directed to reassign to Justice Smith the Della Porta, White, and Rapetti cases and any other Crane Collapse Tort Actions that may be pending in this court but which are not listed on the attached sheet.

2. If an RJI is filed hereafter in a Crane Collapse Tort Action, the filer shall designate the matter as related to the Crane Collapse Tort Actions pending before Justice Smith and shall attach to the RJI a copy of this Order. The clerk of the office in which the RJI is filed shall assign the Action to Justice Smith.

3. If counsel are aware of any Crane Collapse Tort Action now assigned to a Justice of this court that is not listed on the attached, counsel shall promptly inform the Clerk of the Motion Support Office.

4. The Motion Support Office is hereby directed to reassign to Justice Carol Edmead, Part 35, the case of Reliance v. East 51<sup>st</sup> Street, Index No. 601342/2008. If an RJI is hereafter filed in an action that raises claims or issues similar to those involved in the two Reliance cases or either of them, the filer shall designate the matter as related to those cases and shall attach to the RJI a copy of this Order. The clerk of the office in which the RJI is filed shall assign the Action to Justice Edmead.

Dated: New York, New York  
July 1, 2008



Hon. Jacqueline W. Silbermann  
Administrative Judge

Della Porta v. East 51<sup>st</sup> Street, Index No. 104427/2008 (Edmead, J.)

Reliance v. East 51<sup>st</sup> Street, Index No. 601342/2008 (Diamond, J.)

Reliance v. Kennelly, Index No. 601373/2008 (Edmead, J.)

White v. East 51<sup>st</sup> Street, Index No. 105656/2008 (Edmead, J.)

Rapetti v. East 51<sup>st</sup> Street, Index No. 107688/2008 (Edmead, J.)

Mazza v. East 51<sup>st</sup> Street, Index No. 107756/2008 (Smith, J.)

Gallone v. East 51<sup>st</sup> Street, Index No. 108131/2008 (Smith, J.)

---

Admiral Ins. Co. v. Joy Contractors, Index No. 108052/2008 (Unassigned)

---

Gallego v. East 51<sup>st</sup> Street, Index No. 13504/2008 (Kings County, Knipel, J.)