

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

PRESENT: Hon. Deborah A. Kaplan, Administrative Judge
Administrative Order

NEW 110 CIPRIANI UNITS, LLC,
Petitioner,

- v -

INDEX NO. 158138/2018

BOARD OF MANAGERS OF 110 E 42nd STREET
CONDOMINIUM,
Respondent.

Administrative Order:

By letter dated October 1, 2018, counsel for respondent Board of Managers of 110 E 42nd Street Condominium requests that this proceeding be assigned to Justice O. Peter Sherwood on the ground that it is related to a case pending before him. That case is New 110 Cipriani Units, LLC v Board of Managers of 110 E 42nd Street Condominium, et al, Index No. 652595/2018 (the "Prior Action"). Counsel for petitioner New 110 Cipriani Units, LLC, by letter dated October 2, 2018, states that petitioner does not object to the requested transfer.

In the Prior Action, the Court, by Order and Judgment dated June 26, 2018, denied plaintiff's application to stay arbitration, directed the parties to proceed to arbitration forthwith and dismissed the complaint. The Prior Action was marked disposed. Plaintiffs in the Prior Action (petitioners in this proceeding) have appealed from the aforesaid Order and Judgment.

Although this proceeding may be related to the Prior Action, since the Prior Action was disposed by virtue of the aforesaid Order and Judgment, the clerk assigned this proceeding to a General Part (Hon. Franc Perry).

The court's assignment procedures for related cases provides in relevant part:

If the new case is designated as related, it will automatically be assigned to the Justice who was assigned the earlier case provided that that case has not already been disposed of. If the earlier case has been disposed of, the Clerk will assign the case at random. Although the conclusion of the previous case will ordinarily preclude

the assignment of the later case on the basis of relatedness, the filing attorney is free to argue to the Justice to whom the case is assigned that the matter ought to be assigned to the Justice who had handled the earlier case due to exceptional considerations of judicial efficiency and the like. . .

(see, RJs and Assignments, available at

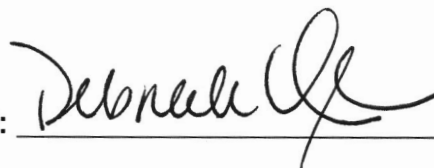
<http://www.nycourts.gov/courts/1jd/supctmanh/RJs-Assignments.shtml>).

Here, the Prior Action has been disposed and respondent's counsel has not shown that exceptional considerations of judicial efficiency support the re-assignment of the new proceeding to Justice Sherwood.

Accordingly, the application request to transfer this proceeding to Justice Sherwood is denied.

Dated: October 29 2018

ENTER:



, A.J.

Check one: ☐ FINAL DISPOSITION

☒ NON-FINAL DISPOSITION

Hon. Deborah A. Kaplan
Administrative Judge
Supreme Court, New York County
Civil Branch