

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

PRESENT: HON. DEBORA A. KAPLAN,

Administrative Judge

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INDEX NO. 104388/2008

STATE OF NEW YORK AND ALL LOCAL GOVERNMENTS
THEREOF, EX REL. ROGER HAYES AND C. TALBOT
HEPPENSTALL, JR.,

Plaintiff,

- v -

BEAR, STEARNS & CO., INC., CITIGROUP, INC., DEPFA FIRST
ALBANY SECURITIES LLC, GOLDMAN SACHS & CO, JP
MORGAN SECURITIES, INC., LEHMAN BROTHERS,
INC., MERRILL LYNCH & CO., INC., MORGAN STANLEY & CO.,
INC., UBS SECURITIES LLC,

Defendant.

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Administrative Order:

By letter dated October 9, 2018, counsel for defendant Citigroup, Inc., on behalf of defendants, requests that this action be transferred into the Commercial Division pursuant to Commercial Division Rule 202.70. Counsel advises the court that plaintiffs do not oppose the transfer.

This action was commenced in 2008 under seal pursuant to the New York False Claims Act (N.Y. State Finance Law §§ 189, et seq.). At some point, the case was assigned to a non-commercial part (D'Auguste, J.). On May 29, 2018, Judge D'Auguste partially lifted the seal. Defendants were served with the complaint on or about September 17-18, 2018.

Although the Request for Judicial Intervention may have been filed years ago, the court deems the application timely under the circumstances presented (see Commercial Division Rule 202.70 [e]). The request is granted since the plaintiff's claims meet the monetary threshold and are premised upon allegations of fraud arising out of business dealings as well as alleged business transactions involving or arising out of dealings with commercial banks and other financial institutions. Thus, the standards for assignment to the Commercial Division in New York County are satisfied (see Commercial Division Rule 202.70 [a], [b] [1] and [6]).

Accordingly, the request for a transfer of this case to the Commercial Division is granted. The Clerk's Office is directed to reassign this case at random to a Justice of the Commercial Division.

<u>11/15/2018</u>			
DATE		A.J. Hon. Deborah A. Kaplan	
CHECK ONE:	<input type="checkbox"/> CASE DISPOSED	<input checked="" type="checkbox"/> NON-FINAL DISPOSITION	Administrative Judge
	<input checked="" type="checkbox"/> GRANTED <input type="checkbox"/> DENIED	<input type="checkbox"/> GRANTED IN PART	Supreme Court, New York County
APPLICATION:	<input type="checkbox"/> SETTLE ORDER	<input type="checkbox"/> SUBMIT ORDER	Civil Branch
CHECK IF APPROPRIATE:	<input type="checkbox"/> INCLUDES TRANSFER/REASSIGN	<input type="checkbox"/> FIDUCIARY APPOINTMENT	<input type="checkbox"/> OTHER
			<input type="checkbox"/> REFERENCE