

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

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

**GERALDINE ANDREAS, a/k/a GERI ANDREAS,
and CHRISTOPHER DARK, a/k/a CHRISTOPHER
J.L. DARK, Individually, and as a Shareholders of
186 TENANTS CORP.,**

Plaintiffs,

- v -

INDEX NO. 156486/2016

**186 TENANTS CORP., JUSTINE CUSHING,
ALICE FRY GARCIA, CARLOS GARCIA, and
CHRISTOPHER O'NEIL,**

Defendants.

Administrative Order:

By letters dated August 10 and 21, 2018, plaintiffs' counsel requests assignment of this action to the Commercial Division pursuant to Commercial Division Rule 202.70 (e). Counsel for defendant 186 Tenants Corp. opposes the request by his letter dated August 17, 2018.


The request is denied as untimely. The Commercial Division Rules require that assignment to the Commercial Division occur within 90 days of service of the complaint by the filing of a Request for Judicial Intervention (RJI) and the required Commercial Division RJI addendum (see Commercial Division Rule 202.70 [d]). This action was commenced on August 3, 2016 by the filing of a summons and complaint against defendants 186 Tenants Corp. and Justine Cushing, and service of process was accomplished by October 11, 2016. An amended complaint was filed on June 28, 2018. The RJI and Commercial Division Addendum were not filed until July 23, 2018, and the Commercial Division Addendum was properly rejected by the clerk's office as untimely. In addition, Justice David B. Cohen was assigned to the case on July 25, 2018. The Commercial Division Rules further provide that an objection to a case not being assigned to the Commercial Division be made within 10 days (see Commercial Division Rule 202.70 [d] and [e]), and thus plaintiffs' letter request is also untimely. No good cause for the delay has been offered.

Furthermore, this is a dispute regarding water damage to the plaintiffs' residential cooperative apartment and their alleged failure to pay monthly maintenance and special assessments, and thus does not qualify for assignment to the Commercial Division (see Commercial Division Rule 202.70 [c] [3]).

For these reasons, the plaintiffs' request for a transfer to the Commercial Division is denied.

Dated: August 22, 2018

ENTER:


A.J.

Check one: ☐ FINAL DISPOSITION

☒ NON-FINAL DISPOSITION