

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

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

**PAUL IACOVACCI,
 Plaintiff,**

- v -

INDEX NO. 158735/2016

**BREVET HOLDINGS, LLC, a Delaware Limited Liability
Company, BREVET SHORT DURATION PARTNERS,
LLC, f/k/a Brevet Capital Partners III, LLC, a Delaware
Limited Liability Company, BREVET SHORT DURATION
HOLDINGS, LLC, f/k/a Brevet Capital Holdings III, LLC, a
Delaware Limited Liability Company,**

Defendants.

And Counterclaims.

Administrative Order:

By letter dated September 5, 2018, plaintiff's counsel requests transfer of this action to the Commercial Division pursuant to Commercial Division Rule 202.70 (e). Counsel for defendants/counterclaim-plaintiffs opposes the request by letter dated September 11, 2018.

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 a Commercial Division addendum (see Commercial Division Rule 202.70 [d]). Additionally, 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]).

Here, this action was commenced on October 17, 2016 by the filing of a summons and complaint against defendants, and service of process was accomplished by November 4, 2016. The RJI was filed on September 21, 2017. Plaintiff did not file a Commercial Division addendum and Justice David B. Cohen was assigned to the case. The case has been actively litigated before Justice Cohen over the past

year. Now, roughly two years after commencing the action and one year after plaintiff filed the RJl, plaintiff requests that it be transferred to the Commercial Division. Essentially, counsel claims that the action has turned out to be more complicated than he originally envisioned. Defendants' counsel opposed the request as untimely and an unwarranted attempt to forum shop.

Plaintiff's letter request is untimely. No good cause for the delay has been offered and judicial economy is not served by a transfer to the Commercial Division at this point in time.

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

Dated: October 2, 2018

ENTER:

 A.J.

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

Check one: ☐ FINAL DISPOSITION

☒ NON-FINAL DISPOSITION