

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

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

WESTFIELD BANK,

Plaintiff,

- v -

INDEX NO. 650906/2018

OSCAR H. PLOTKIN, et al.,

Defendants.

Administrative Order:

By letter August 2, 2018, counsel for plaintiff Westfield Bank requests assignment of this action to the Commercial Division pursuant to Commercial Division Rule 202.70 (e). Defendants have not responded to plaintiff's request.

The request is denied. 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 February 26, 2018, and service of process on the defendants was effected on various dates through April 17, 2018. The Clerk's Office rejected the addendum and the action was assigned to a general I.A.S. part (Kennedy, J.), on July 25, 2018. Plaintiff's counsel submits that the delay in filing the Commercial Division addendum was attributable to plaintiff's attempts to reach a consensual resolution of the case, and should be excused. However, even if this was a valid excuse, this action seeks to enforce a judgment, and is thus excluded from the Commercial Division pursuant to Commercial Division Rule 202.70 (c) (5) ("The following will not be heard in the Commercial Division even if the monetary threshold is met . . . (5) Proceedings to enforce a judgment regardless of the nature of the underlying case").

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

Dated: August 20, 2018

ENTER: Deborah A. Kaplan, A.J.

Check one: ☐ FINAL DISPOSITION

☒ NON-FINAL DISPOSITION

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