

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

PRESENT: HON. DEBORAH A. KAPLAN

Administrative Judge

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SUCCESS ACADEMY CHARTER SCHOOLS, INC.

INDEX NO. 654728/2018

Plaintiff,

- v -

LIBERTY SQUARE REALTY CORP.,

Defendant.

**ADMINISTRATIVE
ORDER**

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By letter dated November 7, 2019, Robert Weigel, Esq., counsel for plaintiff requests that this action be assigned to the Commercial Division pursuant to Uniform Rule 202.70. Defendant has not responded to the request.

This action was commenced over one year ago, on September 24, 2018. The complaint was served on defendant on September 25, 2018 by service on the New York Secretary of State. For the next year, the action essentially remained dormant. On October 24, 2019, counsel for plaintiff served an amended complaint and an order to show cause for sealing. In connection therewith, plaintiff's counsel filed an RJl and Commercial Division addendum. Since the filing was more than 90 days after service of the original complaint, the case was assigned to a general part (Hon. Louis Nock).

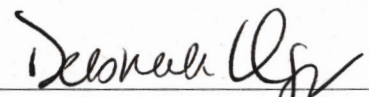
The Commercial Division Rules require that assignment to the Commercial Division occur within 90 days of service of the complaint by the filing of an RJl and a Commercial Division RJl addendum (see Commercial Division Rule 202.70 [d]). The Commercial Division Rules further provide that an objection to a case not being assigned to the Commercial Division be made within 10 days (see Commercial Division Rule 202.70 [d] and [e]).

Counsel explains that the delay between service of the original complaint and the filing of the RJl and Commercial Division addendum was due to the parties attempt to resolve the matter without judicial intervention. As such, counsel submits that plaintiff's delay should be excused. Upon review, I find that plaintiff has demonstrated both good cause to excuse the late filing and that the action

falls within the standards for assignment of cases to the Commercial Division (see, Uniform Rule 202.70[a]).

Accordingly, the request to reassign this action to the Commercial Division is granted. The General Clerk's office is directed to transfer this action from IAS Part 38 (Nock, J) and randomly assign it to a justice of the Commercial Division.

DATE:

Dec 13, 2019

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