

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

PRESENT: HON. DEBORAH A. KAPLAN

*Administrative Judge*

CITRIN COOPERMAN & COMPANY, LLP

INDEX NO. 656116/2018

Plaintiff,

- v -

ARKIN KAPLAN RICE LLP,

Defendant.

**ADMINISTRATIVE  
ORDER**

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By letter dated January 24, 2019, Michelle Rice, Esq. of Kaplan Rice LLP, counsel for defendants Howard J. Kaplan, Michelle A. Rice and Kaplan Rice requests that this action be assigned to Justice Andrea Masley on the ground that the instant action is related to a proceeding pending before her (i.e., *Arkin Kaplan Rice LLP, et al v Howard J. Kaplan, et al.*, Index No. 652316/2012 [the "accounting proceeding"]).

The accounting proceeding before Justice Masley concerns accounting services performed by Citrin Cooperman (plaintiff in this action) for Arkin Kaplan Rice LLP (defendant in this action). Lawrence Fechner, Esq., counsel for plaintiff Citrin Cooperman concurs that this action is related to the accounting proceeding and should be referred to Judge Masley. Michael Cook, Esq. of Schulte Roth & Zabel LLP, counsel for AKR takes the same position.

This action was commenced on December 5, 2018 and the RJI was filed on December 20, 2018. A detailed statement is annexed to the RJI explaining why the action is related to the accounting proceeding and should be assigned to Justice Masley.

The court's assignment procedures for related cases provides in relevant part:

... [I]f the new case is designated as related, it will automatically be assigned to the Justice who was assigned the earlier case provided that that case has not already been disposed of. If the earlier case has been disposed of, the Clerk will assign the case at random. Although

the conclusion of the previous case will ordinarily preclude the assignment of the later case on the basis of relatedness, the filing attorney is free to argue to the Justice to whom the case is assigned that the matter ought to be assigned to the Justice who had handled the earlier case due to exceptional considerations of judicial efficiency and the like. . .

(see, RJs and Assignments, <http://www.nycourts.gov/courts/1jd/supctmanh/RJs-Assignments.shtml>).

Following protocol, since the accounting proceeding was marked *disposed*, the clerk assigned this case to a General Part (Hon. D. James).

Upon review, this action and the accounting proceeding are integrally related and *exceptional considerations of judicial efficiency* have been demonstrated supporting the assignment of the new action to Justice Masley.

Accordingly, the request to refer this action to Justice Masley is granted and the General Clerk's office is directed to transfer this action from Justice James to Justice Masley.

DATE: February 7, 2019



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