

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

PRESENT: HON. DEBORAH A. KAPLAN

Administrative Judge

LIBERTY VIEW CORPORATION,

INDEX NO. 150909/2019

Plaintiff,

- v -

WYETH, INC., JOHN BIRCH, XYZ CORP.

Defendant.

**ADMINISTRATIVE
ORDER**

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This action for ejectment and related relief against a defendant-tenant and guarantor was commenced by summons and complaint filed January 28, 2019.

On February 25, 2019, defendants filed a notice of motion to dismiss the complaint. Together with the motion papers, defendants filed an RJL and a Commercial Division addendum. The RJL did not list any related actions. The case was assigned to a Commercial Division part (Hon. Andrew Borrok, part 53).

By letter dated February 28, 2019, Bruce Wiener, Esq., counsel for plaintiff, complains that defendants' counsel failed to include a related action on the RJL. That action, entitled Wyeth, Inc. v. Liberty View Corp. (Index No. 656505/2017) (the "Wyeth Action"), is presently pending before the Hon. David B. Cohen. Plaintiff's counsel requests that this action be assigned to Justice Cohen. There has been no opposition or response to this letter application by defendants' counsel.


In the Wyeth action, defendants sought a Yellowstone injunction. By order filed December 24, 2018, the Justice Cohen denied the application for Yellowstone relief. This new action followed. Mr Wiener submits that "[the Wyeth Action] and this action involve common issues of both fact and law relating to the termination of Defendant Wyeth, Inc.'s commercial tenancy, and its ejectment from the premises owned by plaintiff Liberty View, Inc., a cooperative corporation."

The court has reviewed the application and concludes that this action is related to the Wyeth Action presently pending before Justice Cohen and should be assigned

to him. In view of this determination, the court need not review whether this action meets the criteria for assignment to the Commercial Division.

Accordingly, the General Clerk's Office is directed to reassign this proceeding to Justice David B. Cohen, I.A.S. Part 58.

DATE: *March 26, 2019*



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