

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

PRESENT: HON. DEBORAH A. KAPLAN

Administrative Judge

CLIFFORD POLLEY

INDEX NO. 654911/2018

Petitioner,

- v -

ESRA BILGIN,

Respondent.

**ADMINISTRATIVE
ORDER**

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This Article 75 proceeding was initially assigned to Hon. Saliann Scarpulla. By Order, entered January 3, 2019, she remitted the proceeding to the General Clerk's office for reassignment to Hon. Gerald Lebovits, who was presiding over an earlier assigned related action (Index No. 655959/2018).


By letter dated January 14, 2019, Jeffrey Eilender, Esq., counsel for petitioner, contests and objects to Justice Scarpulla's order and requests that this action be re-assigned to the Commercial Division. By letter dated January 15, 2019, Howard Winter, Esq., counsel for respondent, opposes petitioner's counsel's request.

The underlying arbitration proceeding between petitioner and respondent, former husband and wife, concerns the subletting of residential property, a condominium apartment owned by the parties (and their residence prior to their divorce). Neither the multi-million dollar value of the property, nor the fact that they subleased it, makes the apartment anything other than residential real property.

Commercial Division Rule 202.70 (c) (3) provides that residential real estate disputes are excluded from the Commercial Division. As this action concerns the ownership and leasing of a condominium apartment, it does not qualify for assignment to the Commercial Division.

Accordingly, petitioner's letter application is denied in all respects.

DATE: Feb. 4, 2019


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