

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

PRESENT: HON. DEBORAH A. KAPLAN

Administrative Judge

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AUCTION HOUSE 43, INC., MODERN PAWN BROKERS,
INC.

INDEX NO. 653123/2019

Plaintiff,

- v -

RAFAEL KOBLANCE, NAZIHA BOULMAROUF,

Defendant.

**ADMINISTRATIVE
ORDER**

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By letters dated August 1, 2019 and August 6, 2019, Stuart Kagen, Esq, counsel for defendants, requests that this action be assigned to the Commercial Division pursuant to Uniform Rule 202.70. By letter dated August 6, 2019, Sean E. O'Donnell, Esq., counsel for plaintiffs, opposes the request.

This action concerns ownership of a rare sapphire which was pawned by plaintiffs to defendant Koblance in exchange for a \$3.75 million loan.

The action was commenced on May 28, 2019. On May 31, 2019, defendants were served with the summons and complaint. On the same day, May 31, 2019, plaintiff filed an RJI to request a preliminary conference. On the RJI, plaintiff listed the case of *Koblance v Modern Pawn Brokers*, Index No. 653282/2017, pending before Hon. Robert Reed as a related action. This action was therefore assigned to Justice Reed. Plaintiff did not file a Commercial Division addendum.

In his letter, defendants' counsel states that this action meets the standards for assignment of cases to the Commercial Division and should therefore be reassigned to the Commercial Division. On the other hand, plaintiffs' counsel takes the position that the case was properly assigned to Justice Reed because it is directly related to the litigation presently pending before him and that he is familiar with the legal and factual disputes at issue.

According to the court rules regarding RJI's and the assignment of cases:

D. RELATED CASES

In an effort to conserve judicial resources and avoid inconsistent rulings, the filing counsel must check off on the RJI whether a related case exists.

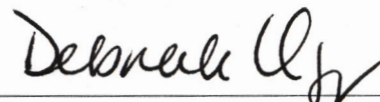
If the new case is designated as related, it will automatically be assigned to the Justice who was assigned the earlier case provided that that case has not already been disposed of. . . . **If a party believes that such a related-case designation and resulting assignment were made in error, or that the filing party incorrectly failed to designate the case as related, the issue should be raised before the assigned Justice, who may send the matter to the back office for a random reassignment or a transfer if the complaint is justified.** If further review is required, it occurs before the Administrative Judge. . .

(www.nycourts.gov/courts/1jd/supctmanh/RJIs-Assignments.shtml; **emphasis added**).

Here, in support of this application to transfer the action to a Commercial Division part, defendants' counsel submits that this action meets the requirements for assignment to the Commercial Division. However, he does not, in any respect, argue that this action is not related to the action before Justice Reed or that counsel first raised this issue before Justice Reed prior to making this application to the Administrative Judge.

Accordingly, the request for assignment to the Commercial Division is denied.

DATE: *August 29, 2019*



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