

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

PRESENT: HON. DEBORAH A. KAPLAN

*Administrative Judge*

BDM SOLUTIONS LLC,

INDEX NO. 655824/2018

Plaintiff,

- v -

2269 FIRST AVE OWNER LLC, PS 85, LLC, JOHN AND  
JANE DOES 1-10 AND OTHERS SIMILARLY SITUATED,

Defendant.

**ADMINISTRATIVE  
ORDER**

By letter dated April 30, 2019, Pia E. Riverso, Esq., counsel for defendant 2269 First Avenue Owner, LLC, requests that this action be assigned to the Commercial Division pursuant to Uniform Rule 202.70. Counsel states that she has conferred with counsel for plaintiff, who joins in this request.

This action, which alleges breach of a multi-million-dollar commercial construction contract, was commenced on November 21, 2018. The complaint was served on defendant on November 27, 2018. Defendant filed an answer with counterclaims and commenced a third-party action on March 2, 2019. On March 19, 2019, plaintiff filed an RJl and a Commercial Division Addendum. Since the filing was more than 90 days after service of the Complaint, the case was assigned to a general part (Hon. Gerald Lebovits).

The amounts at issue in this case exceed \$500,000, and counsel submits that the action falls within the standards for assignment of cases to the Commercial Division (see, Commercial Division Rule 202.70[a]).

The Commercial Division Rules require that assignment to the Commercial Division occur within 90 days of service of the complaint by the filing of a Request for Judicial Intervention (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]).

Here, counsel has adequately explained the delay between assignment of this action to Justice Lebovits and the submission of the joint letter application requesting reassignment of this action to the Commercial Division. Further, there has been no activity before Justice Lebovits.

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 7 (Lebovits, J) and randomly assign it to a justice of the Commercial Division.

DATE:

*May 21, 2019*

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