

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

PRESENT: HON. DEBORAH A. KAPLAN

Administrative Judge

CARL MARKS ADVISORY GROUP LLC

INDEX NO. 650040/2019

Plaintiff,

- v -

RONPAK, INC.,

Defendant.

**ADMINISTRATIVE
ORDER**

By letter dated August 9, 2019, Justin Roeber, Esq., counsel for plaintiff requests that this action be assigned to the Commercial Division pursuant to Uniform Rule 202.70. Mr. Roeber represents that defendant joins in on this transfer request.

This action was commenced by the filing of the summons and complaint on January 3, 2019. Defendant removed the action to the United States District Court for the Southern District of New York on January 14, 2019, and the action was remanded back to this court on January 23, 2019. In the ensuing months, there were seven stipulations extending defendant's time to serve an answer. On August 5, 2019, defendant's counsel filed a motion to dismiss the complaint, and, in conjunction therewith, filed an RJL. Counsel did not file a Commercial Division addendum, and the action was therefore assigned to a General Part (Hon. L. Nock).

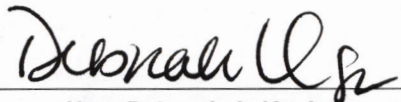
Commercial Division Rule 202.70 (d) requires that assignment to the Commercial Division occur within 90 days of service of the complaint by the filing of an RJL and a Commercial Division addendum. Here, the RJL was clearly not filed within the requisite 90 days.

Commercial Division Rule 202.70 (e) further provides that "notwithstanding the time periods set forth in subdivisions (d) and (e) of this section, for good cause shown for the delay a party may seek the transfer of a case to the Commercial Division by letter application (with a copy to all parties) to the Administrative Judge."

However, counsel has not offered any information whatsoever to show good cause to excuse the delay in seeking assignment to the Commercial Division.

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

DATE: *Aug 23, 2019*



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