

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

PRESENT: HON. DEBORAH A. KAPLAN

Administrative Judge

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PEERFORM HOLDINGS, LLC and MIKAEL RAPAPORT,

INDEX NO. 652634/2019

Plaintiff,

- v -

STRATEGIC FAMILY, INC., RYAN SASSON, JORDAN
LEVY, IAN BEHAR, DANIEL BLUMKIN, RONALD
SCHREIBER, MICHAEL LUXENBERG, PERRY WEITZ,
ARTHUR LUXENBERG, DUKE ENTERPRISES, LLC,
BLAISE INVESTMENTS, LLC, and TWIST FINANCIAL, LLC

**ADMINISTRATIVE
ORDER**

Defendants.

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By letter dated July 3, 2019, Elizabeth A. Kraengel, Esq., counsel for defendants, requests that this action be assigned to the Commercial Division pursuant to Uniform Rule 202.70. She states that plaintiffs' counsel joins in this request.

This action was commenced in May 2019 by filing and service of a summons and complaint.

By notice of motion, dated June 21, 2019, defendants moved to dismiss the complaint. Defendants also filed an RJI and Commercial Division addendum at the same time. The RJI listed a related action pending before Judge Lynn R. Kotler (*Mikael Rapaport v Strategic Financial Solutions*, Index No. 651480/2018). Pursuant to the Commercial Division rules, this action was assigned to Justice Kotler rather than a Commercial Division judge, notwithstanding the fact that defendants also filed a Commercial Division addendum.

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.

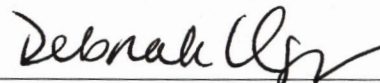
... If a party believes that such a related-case designation and resulting assignment were made in error, or that the filing party incorrectly failed to designate the case as related, the issue should be raised before the assigned Justice, who may send the matter to the back office for a random reassignment or a transfer if the complaint is justified. If further review is required, it occurs before the Administrative Judge. . .

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

Here, in support of this application to transfer the action to a Commercial Division part, counsel submits that this action meets the requirements for assignment to the Commercial Division. However, counsel does not, in any respect, argue that this action is not related to the action before Justice Kotler or that counsel first raised this issue before Justice Kotler prior to making this application to the Administrative Judge. Under these circumstances, this application is premature and defective.

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

DATE: July 30, 2019



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