

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

PRESENT: Hon. Joan B. Carey  
Interim Administrative Judge

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PROVERIAN CAPITAL, LLC,

Plaintiff,

-against-

INDEX NO. 603418/08

CAPITAL CREDIT GROUP SD, INC.,  
ALL SETTLED GROUP, INC., and  
WELLS FARGO BANK, N.A.,

Defendants.

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Administrative Order:

By letter dated February 5, 2009, plaintiff timely requests that this action be assigned to the Commercial Division pursuant to Uniform Rule 202.70.

Although counsel for defendant Wells Fargo Bank, N.A. designated this action as a Commercial -- Contract matter on the Request For Judicial Intervention (RJI) he recently filed, the action was not assigned to the Commercial Division due to his failure to provide the written statement in support required by Uniform Rule 202.70 (d) (2). In addition, counsel for Wells Fargo indicated on the RJI that no equitable relief was being sought despite the fact that this is an action for a declaratory judgment. The RJI is an important document, and I wish to make it very clear to the commercial bar that careless mistakes such as these not only waste the valuable time of their adversaries, who are forced to make an application for a transfer, but wastes the time of at least five court employees in effecting a transfer of this case to the Commercial Division.

As this case seeks a declaratory judgment establishing the parties' rights with respect to \$770,000 of funds escrowed in connection with a Life Settlement Agreement, it falls clearly within the standards for assignment of cases to the Commercial Division in New York County. See Uniform Rule 202.70(a), (b) (1).

The Motion Support Office is directed to reassign this case at random from I.A.S. Part 6 (Shafer, J.) to a Justice of the Commercial Division. (A motion for pro hac vice admission is currently returnable in the Motion Submissions Part on February 9, 2009.)

Dated: February 9, 2009

ENTER: 

, A.J.

Check one: ☐ FINAL DISPOSITION

☒ NON-FINAL DISPOSITION