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

PRESENT: Hon. Sherry Klein Heitler
            Administrative Order

MIDCONTINENT EXPRESS PIPELINE LLC,

            Plaintiff,

            - v -   INDEX NO. **102258/2012**

MAN INDUSTRIES (INDIA) LTD. and
PRIME PIPE INTERNATIONAL, INC.,

            Defendants.

Administrative Order:

By letter dated August 8, 2012, counsel for non-party State Bank of India (SBI) requests that this action be transferred into the Commercial Division. According to SBI's counsel, counsel for the plaintiff, Midcontinent Express Pipeline LLC (MEP), who also represents defendant Prime Pipe International, Inc. (PPI), does not oppose the request.

MEP and PPI are both judgment creditors of defendant Man Industries (India) Ltd. (Man) pursuant to an August 2011 Texas court judgment. On March 22, 2012, MEP and PPI registered the judgment in New York pursuant to CPLR 5402. On May 23, 2012, MEP and PPI served a subpoena on SBI at the bank's New York office seeking information related to the enforcement of the judgment against Man. SBI's response to the subpoena was deemed insufficient by the judgment creditors, and they filed a motion to compel SBI to fully and completely respond to the subpoena. The motion was served, by e-mail, on counsel for SBI on July 18, 2012 together with a Request For Judicial Intervention (RJI). Judge Doris Ling-Cohan (IAS Part 36) was assigned to the case on the same date.

Uniform Rule 202.70 (e) provides that an application to transfer an action into the Commercial Division must be made by letter application within 10 days of the party's receipt of a copy of the RJI, thereby putting them on notice that the filing party has not requested that the case be assigned to the Commercial Division. The RJI was served and filed by counsel for MEP and PPI on July 18, 2012. Thus, SBI's August 8th request is past the 10-day time limit, which is strictly construed by this court.

For these reasons, SBI's request for assignment to the Commercial Division is denied as untimely.

Dated: August *10*, 2012   ENTER: _____, A.J.

Check one: ❏ FINAL DISPOSITION   ❏ NON-FINAL DISPOSITION