

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

PRESENT: Hon. Bernard Fried, Acting Chief Administrative Judge
Administrative Order

TRIGENCE CORP. and TRIGENCE INC.,

Petitioners,

- v -

INDEX NO. 109299/2009

ALOIS LIEBL,

Respondent.

Administrative Order:

By letter dated July 10, 2009, counsel for petitioners Trigence Corp. and Trigence Inc. (Trigence) applies for a transfer of the above-captioned Article 75 proceeding pursuant to Uniform Rule 202.70. The Court has not received any objection to the request.

It was Trigence's counsel who filed the Request for Judicial Intervention (RJI) back on June 30, 2009 in connection with this special proceeding. Rather than marking the case as "Other Commercial" in accordance with the instructions set forth in Uniform Rule 202.70(d)(1), Trigence's counsel checked the "Special Proceedings - Art. 75" box. Accordingly, it was assigned to a non-commercial judge, the Hon. Michael D. Stallman. The Uniform Rules do not provide for a second chance to the party that filed the RJI to correct their error. Rather, Rule 202.70(e) is clear that the right to appeal an RJI designation is limited to "any other party."

For these reasons, Trigence's request for a transfer of this proceeding into the Commercial Division is denied.

Dated: July 15, 2009

ENTER: , A.J.

Check one: FINAL DISPOSITION NON-FINAL DISPOSITION