

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

PRESENT: Hon. Peter H. Moulton  
Administrative Order

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ARCH INSURANCE COMPANY,

Plaintiff,

- v -

INDEX NO. 653580/2013

PETROCELLI ELECTRIC CO.,  
et al.,

Defendants.

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Administrative Order:

By letter dated November 10, 2016, plaintiff's counsel requests that this action be assigned to the Commercial Division pursuant to Uniform Rule 202.70 (e). I am informed that defendants consent to a transfer.

This case was commenced on October 16, 2013, more than three years ago, and service of process was allegedly completed by November 5, 2013. A Request For Judicial Intervention (RJI) was filed by plaintiff's counsel on April 29, 2014. No Commercial Division Addendum was filed at that time, and the case was assigned to the Hon. Eileen Rakower (I.A.S. Part 15), who has been presiding over the case since that time.

This application is untimely. Assignment to the Commercial Division must be made within 90 days of the service of the summons and complaint (see Uniform Rule 202.70 [d]). In addition, any party objecting to the assignment of a case to a non-commercial part must make a letter application to the Administrative Judge within 10 days after receipt of the RJI (see Uniform Rule 202.70 [e]). The rules are designed to ensure that appropriate cases are assigned to the Commercial Division at the inception of the case, not three years into the litigation.

For these reasons, the request for assignment to the Commercial Division is denied.

Dated: November 17, 2016

ENTER: [Signature], A.J.

Check one: ☐ FINAL DISPOSITION

☐ NON-FINAL DISPOSITION

HON. PETER H. MOULTON  
SUPREME COURT JUSTICE