

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

PRESENT: Hon. Peter H. Moulton
Administrative Order

ASI SYSTEM INTEGRATION INC.,

Plaintiff,

- v -

INDEX NO. 653688/2016

SCOTT MOLLENKOPF and ITSAVVY LLC,

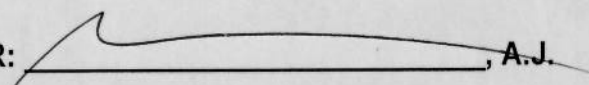
Defendants.

Administrative Order:

By letter dated August 31, 2016, counsel for plaintiff ASI System Integration Inc. (ASI) requests that this action be re-assigned from I.A.S. Part 12 (Jaffe, J.) to the Commercial Division based on the recent filing of an amended complaint increasing the ad damnum clause to \$600,00. By letter dated September 2, 2016, defense counsel objects.

The request is denied as untimely (see Uniform Rule 202.70 [e]). There is a 10-day time limit on these applications measured from the filing of the Request for Judicial Intervention (RJI). This time limit is strictly construed to avoid the waste of judicial resources and to prevent judge-shopping. The recent filing of an amended complaint does not justify a departure from the 10-day time limit since the original complaint sought injunctive relief, and thus met the standards for assignment to the Commercial Division (see Uniform Rule 202.70 [b]). In addition, it was ASI's counsel who filed the RJI on June 18, 2016. The right to seek re-assignment to the Commercial Division pursuant to Uniform Rule 202.70 (e) is limited to the other parties to the action.

Dated: September 2, 2016

ENTER: , A.J.

HON. PETER H. MOULTON
SUPREME COURT JUSTICE

Check one: ☐ FINAL DISPOSITION

☐ NON-FINAL DISPOSITION