

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

PRESENT: Hon. Peter H. Moulton
Administrative Order

JASON ILARDO, PAUL BARBER,
MICHELA BURATTI, KELLY RIPPY,
and ANTONIO D'AIUTO,

Plaintiffs,

- v -

INDEX NO. 450607/2016

MICHELE IULIANO and GIOVANNA
IULIANO,

Defendants.

Administrative Order:

By letter dated November 15, 2016, counsel for defendant Michele Iuliano (Mr. Iuliano) requests that this action be assigned to the Commercial Division pursuant to Uniform Rule 202.70 (e) and, in particular, to the Hon. Anil C. Singh as related to: (1) La Magica LLC v 145 Atlantic LLC, Index No. 654010/15 (the La Magica Action); and (2) Luzzo's 211, LLC v Chito Inc., Index No. 155421/16 (the Luzzo's 211 Action). No opposition to the request has been received.

This case was commenced in Queens County on February 25, 2016, and service of process was allegedly accomplished the same day. The parties consented to change venue and the case was transferred to this court on May 19, 2016. A Request For Judicial Intervention (RJI) was filed by prior counsel for defendant Giovanna Iuliano on June 2, 2016. No Commercial Division Addendum was filed at that time and the case was assigned to the Hon. Debra James (I.A.S. Part 59).

This application is untimely for two reasons. First, 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]). Second, 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]). Typically, this would warrant denial of the application.

However, here, counsel for Mr. Iuliano also seeks assignment of this case to Justice Singh as related to the La Magica and the Luzzo's 211 Actions. Notably, the RJI that was filed in the present case did not list the then pending La Magica Action as a

Accordingly, I am directing that this action be reassigned to Justice Singh for a determination as to whether this action is related to either the La Magica Action or the Luzzo's 211 Action (see Dec. 2011 Operations Manual, § [I] [D] [2]), and whether judicial economy would be served by his presiding over all three actions. If Justice Singh determines that the actions are not truly related, he may direct that this case be reassigned back to I.A.S. Part 59.

ENTER: _____, A.J.

MON. PETER H. MOULTON
SUPREME COURT JUSTICE
☐ NON-FINAL DISPOSITION