

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

PRESENT: Hon. Peter H. Moulton  
Administrative Order

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FIRST ADVANTAGE LNS SCREENING  
SOLUTIONS, INC.,

Plaintiff,

- v -

INDEX NO. 653812/15

LEXISNEXIS RISK SOLUTIONS, INC.,

Defendant.

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Administrative Order:

By letter dated February 2, 2016, defendant requests that this action be transferred from I.A.S. Part 2 (Freed, J.) to the Commercial Division pursuant to Uniform Rule 202.70 (e).

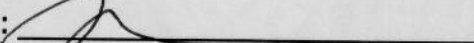
The Request For Judicial Intervention (RJI) was filed by plaintiff on November 23, 2015 with a Commercial Division Addendum. However, defendant's counsel claims that the matter was denied assignment to the Commercial Division on the ground that it did not satisfy the monetary threshold. Defense counsel asserts that he was notified by email of the rejection, but does not indicate when this e-mail was received. He now seeks a transfer on the ground that it was an error to deny assignment to the Commercial Division, because the matter seeks a declaratory judgment (see Uniform Rule 202.70 [a]).

On November 24, 2015, this matter was assigned to Justice Freed. On December 9, 2015, defense counsel's firm filed a notice of appearance and entered into a stipulation, which indicated Justice Freed as the assigned judge.

Whether measured from the date of the RJI or the date the case was assigned to a non-commercial part, this application is untimely (see Uniform Rule 202.70 [e]). At the very latest, defense counsel should have been aware of the assignment to Justice Freed on December 9<sup>th</sup>, but still waited almost two months to make an application to transfer.

For this reasons, defendant's request to transfer this action into the Commercial Division is denied.

Dated: February 4, 2016

ENTER: , A.J.