

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

PRESENT: Hon. Peter H. Moulton
Administrative Order

PAUL B. GOTTBETTER and GOTTBETTER and
PARTNERS, LLP,

Plaintiffs,

- v -

INDEX NO. 652715/15

CRONE KLINE RINDE, LLP and CKR LAW, LLP,

Defendants.

Administrative Order:

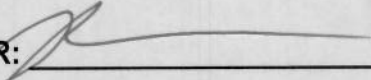
By letters dated February 1 and 2, 2016, plaintiffs' counsel requests that this action be transferred from I.A.S. Part 47 (Wright, J.) to the Commercial Division pursuant to Uniform Rule 202.70 (e). By letter dated February 2, 2016, defendants' counsel objects.

The Request For Judicial Intervention (RJI) was filed in this action on August 4, 2015. Although the RJI was marked "commercial," plaintiffs' counsel did not attach a commercial addendum. Thus, the matter was assigned to Justice Wright, who has had extensive involvement in the matter since its assignment to him. On January 26, 2016, in response to the latest motion filed, Justice Wright granted plaintiffs' request to amend their complaint. Therefore, plaintiffs argue that, with their amended claim for wrongful eviction, the complaint meets the monetary threshold for the Commercial Division and should be transferred.

The time to seek assignment to the Commercial Division is at the commencement of the litigation (see Uniform Rule 202.70 [d] and [e]). Notwithstanding a later amendment of a pleading, judicial economy is not served by a judicial re-assignment seven months into a hotly-contested litigation. Since August 2015, Justice Wright has presided over this matter and ruled on three separate motions. *City of New York v Eastern Shipbuilding Group Inc.*, Index No. 452725/2014, Admin. Order dated May 12, 2015, is distinguishable, because there was no substantive involvement of the general I.A.S. judge to whom the action was originally assigned.

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

Dated: February 3, 2016

ENTER: , A.J.