

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

PRESENT: Hon. Sherry Klein Heitler
Administrative Order

737 PARK AVENUE ACQUISITION LLC,

Plaintiff,

- v -

INDEX NO. 651092/13

KATZ 737 CORPORATION,

Defendant.

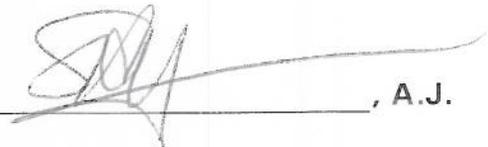
Administrative Order:

By letter dated May 30, 2013, counsel for defendant requests that this action be reassigned to the Commercial Division. Counsel for plaintiff takes no position on the request.

On May 17, 2013, defendant filed a Request for Judicial Intervention (RJI), marking this action as a 'Commercial-Contract' matter and attaching the appropriate Commercial Division addendum. However, although the action meets the standards for assignment to the Commercial Division, it was assigned to the Hon. Eileen Rakower (I.A.S. Part 15). This occurred because the RJI listed Schwartz v Katz 737 Corp. (Index No. 102295/12), a case now pending before Justice Rakower, as a related matter.

The decision as to whether this action is related to the Schwartz action belongs, in the first instance, to the assigned Justice (*see* Section I[B] of the "Summary of Courthouse Procedures"). Therefore, this request for re-assignment to the Commercial Division must be made to Justice Rakower, who, if she finds that the cases are not truly related, may direct that this action be randomly reassigned into the Commercial Division by issuing an order to that effect, attaching a copy of this Administrative Order.

Dated: June 7, 2013

ENTER:  , A.J.

Check one: FINAL DISPOSITION

NON-FINAL DISPOSITION