

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

PRESENT: Hon. Sherry Klein Heitler  
Administrative Order

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122 WATER REALTY, LLC,

Plaintiff,

- v -

INDEX NO. 603193/2008

NEW GENERATION HOSPITALITY, LLC and  
AD DHUPAR,

Defendants.

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Administrative Order:

By letter dated August 28, 2012, counsel for plaintiff requests that this action be assigned to the Commercial Division. Defendants object to this application.

Plaintiff's former counsel filed a Request for Judicial Intervention (RJI) on April 2, 2009. As plaintiff filed the RJI, it cannot request a transfer because the right to appeal an RJI designation is limited to "any other party." See Uniform Rule 202.70 (e). Further, Uniform Rule 202.70 (e) places a 10-day time limit on these applications, measured from the receipt of a copy of the RJI, and the time limit is strictly construed.

Therefore, the request to transfer this action into the Commercial Division is denied.

Dated: August 31<sup>st</sup>, 2012

ENTER: , A.J.

Check one:  FINAL DISPOSITION  NON-FINAL DISPOSITION