

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

PRESENT: Hon. Sherry Klein Heitler  
Administrative Order

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MAZEL 315 WEST 35<sup>TH</sup> LLC,

Plaintiff,

- v -

INDEX NO. 652627/11

315 WEST 35<sup>TH</sup> ASSOCIATES LLC, AARON CHITRIK, GERTLER & WENTE ARCHITECTS LLP, NEW YORK CITY ENVIRONMENTAL CONTROL BOARD, MAZAL 315 W35<sup>TH</sup>, LLC, JON A. LEFKOWITZ, STUART I. DAVIS, BENJAMIN HERBST, YOSSEI LEVIN a/k/a YOSEPH LEVIN, and JOHN DOE #1 through JOHN DOE #10, the last ten names being fictitious and unknown to Plaintiff, the persons or parties intended being the tenants, occupants, persons, or corporations, if any, having or claiming an interest upon the Premises described in the Complaint,

Defendants.

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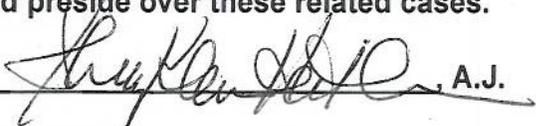
Administrative Order:

By letters dated November 15 and 16, 2011, defendant Benjamin Herbst, joined by counsel for defendant 315 West 35<sup>th</sup> Associates, requests that this action be transferred from Justice Melvin Schweitzer (Commercial Division Part 45) to Justice Joan Kenney (I.A.S. Part 8) on the grounds that it related to WCRT Seller LLC v. 315 West 35<sup>th</sup> Associates LLC, et al., Index No. 106073/10 (the WCRT Action). Counsel for the plaintiff in this action opposes this request.

The WCRT Action, assigned to Justice Kenney, was marked disposed of on September 26, 2011. However, a motion to restore was made by 315 West 35<sup>th</sup> Associates LLC on October 28, 2011.

The application to transfer this action to Justice Kenney as related to the WCRT Action, a disposed matter, is denied. See Section I[B] of the "Summary of Courthouse Procedures." If the motion to restore the WCRT Action is granted then Justices Kenney and Schweitzer shall confer as to who should preside over these related cases.

Dated: November 18, 2011

ENTER:  A.J.

Check one:  FINAL DISPOSITION  NON-FINAL DISPOSITION