

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

PRESENT: Hon. Joan B. Carey
Administrative Order

ARW DEVELOPMENT, LLC, NEIL M&B CAPITAL,
LLC, JACOB AMBER CONSULTING, LLC, and
JORGE MADRUGA MADD, LLC,

Plaintiffs,

-against-

INDEX NO. 111775/09

CIF LENDING LLC,

Defendant.

Administrative Order:

By letter dated September 15, 2009, counsel for defendant CIF Lending LLC requests that this action be assigned to the Commercial Division pursuant to Uniform Rule 202.70. The action is currently pending in I.A.S. Part 23 (Braun, J.). Plaintiffs' counsel objects to the request for a transfer by letter dated September 15, 2009, on the ground that it is untimely, but acknowledges that this action is related to another action pending in the Commercial Division.

Although apparently the Request For Judicial Intervention (RJI) filed by plaintiffs' counsel was never served in this action, defense counsel was aware, as early as August 20, 2009, that this case had been assigned to a non-commercial part. Thus, defendant's request is clearly well past the 10-day time limit provided in Uniform Rule 202.70 (e). However, there is no dispute that this action, concerning an alleged default on a \$30 million line of credit, meets the standards for assignment to the Commercial Division and is substantially related to another action involving the same loan that is currently pending before Commercial Division Justice Richard B. Lowe III, entitled CIF Lending, LLC v Neil Jeffrey Weissman, Jacob Rad and Jorge Madruga, Index No. 602520/09. In order to conserve judicial resources and avoid inconsistent rulings, both actions should be assigned to the same justice.

The Motion Support Office is directed to reassign this case to Justice Richard B. Lowe III, Commercial Division Part 56. (The parties are directed to contact the Clerk of Part 56 (646-386-3262) to reschedule the hearing on the pending order to show cause for a preliminary injunction, which is currently returnable on September 17, 2009.)

Dated: September 17, 2009

ENTER:  _____, A.J.

Check one: FINAL DISPOSITION

NON-FINAL DISPOSITION