

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

PRESENT: Hon. Joan B. Carey
Administrative Order

M. A. ANGELIADES, INC.,

Plaintiff,

- v -

INDEX NO. 601955/2009

HILL INTERNATIONAL, INC., NEW YORK CITY
DEPARTMENT OF DESIGN AND CONSTRUCTION,
and CITY OF NEW YORK,

Defendants.

Administrative Order:

By letters dated November 5 and 12, 2009, counsel for plaintiff M. A. Angeliades, Inc. requests that this action be transferred from I.A.S. Part 5 (Rakower, J.) to the Commercial Division pursuant to Uniform Rule 202.70. On behalf of the City defendants, Corporation Counsel contends that plaintiff did not request reassignment of this case until the period prescribed in Uniform Rule 202.70 for doing so had expired and that the City has no objection to the current judicial assignment.

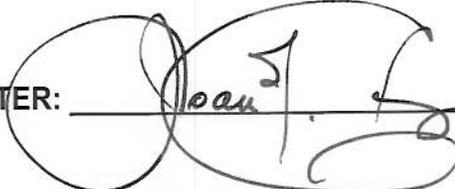
This action was originally designated as a "commercial-contract" matter by the City defendants on the request for judicial intervention that Corporation Counsel filed on August 17, 2009 in connection with motions to dismiss the complaint. For some unknown reason, the action was assigned by the clerk's office to a non-commercial part on August 20, 2009. The motions to dismiss were originally returnable on September 15, 2009, and adjourned by stipulation of the parties to November 2, 2009. The Initial Motion Calendar that was published in the New York Law Journal on September 15, 2009 notified all parties of the assignment of the case to Justice Rakower.

Uniform Rule 202.70 (f) (2) provides that "any party aggrieved by a transfer of a case to a non-commercial part may seek review by letter application . . . to the Administrative Judge within ten days of receipt of the designation of the case to a non-commercial part." On September 15, 2009, at the latest, counsel was or should have been aware that the case had not been assigned to the Commercial Division, but counsel failed to request a transfer until almost seven weeks later. The clear untimeliness of this application is not excused by counsel's alleged communications with the Motion Support Office or Part 5 on or about October 1st, since the Uniform Rule is very clear that a letter

application must be made to the administrative judge of the court.

Accordingly, the request for a transfer to the Commercial Division is denied as untimely.

Dated: November 13, 2009

ENTER: , A.J.

Check one: FINAL DISPOSITION

NON-FINAL DISPOSITION