

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

PRESENT: Hon. Sherry Klein Heitler
Administrative Order

ASIA OPTICAL CO., INC.,

Plaintiff,

- v -

INDEX NO. 600250/10

FUJIFILM HOLDING CORPORATION,
and FUJIFILM CORPORATION,

Defendants.

Administrative Order:

By letter dated September 13, 2010, plaintiff requests that this action, currently assigned to the Hon. Marilyn G. Diamond (I.A.S. Part 48), be transferred to the Commercial Division pursuant to Uniform Rule 202.70. Defendants neither support nor object to the request.

Plaintiff's counsel filed the Request For Judicial Intervention (RJI) in this action back on June 1, 2010. The right to appeal an RJI designation is limited to "any other party." Uniform Rule 202.70(e). Further, the application is untimely. There is a 10-day time limit on these applications, which begins when a party is served with the RJI, and thus learns that a non-commercial designation was chosen by the filing party. See Uniform Rule 202.70(e).

For these reasons, plaintiff's request to transfer this action to the Commercial Division is denied.

Dated: September 15, 2010

ENTER:  _____, A.J.

Check one: FINAL DISPOSITION

NON-FINAL DISPOSITION