

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

PRESENT: Hon. Sherry Klein Heitler
Administrative Order

JOHN L. EDMONDS, INDIVIDUALLY AND AS A
MANAGING GENERAL PARTNER OF FIFTH AND
106TH STREET HOUSING COMPANY, INC., et al.,

Petitioner,

- v -

INDEX NO. 111006/10

ROBERT W. SEAVEY, INDIVIDUALLY AND AS
A GENERAL PARTNER OF FIFTH AND
106TH STREET ASSOCIATES, L.P., et al.,

Respondents.

Administrative Order:

By letters dated August 31 and September 8, 2010, counsel for the respondents, with the exception of Marks Paneth & Shron, requests that this application, brought by Order to Show Cause, for pre-action disclosure pursuant to CPLR 3102 (c), and currently assigned to the Hon. Paul G. Feinman (I.A.S. Part 12), be assigned to the Commercial Division pursuant to Uniform Rule 202.70. Petitioner John L. Edmonds opposes the request by letter dated September 2, 2010.

While there is no doubt that the subject matter of this special proceeding meets the standards for assignment to the Commercial Division, this proceeding was assigned to Justice Feinman as related to a pending action entitled Dorothy Singer, et al., individually and on behalf of Fifth and 106th St. Associates, L.P. v Robert W. Seavey, John L. Edmonds, et al., Index No. 602568/08. Respondents contend that the two matters are not related, however, the decision as to whether the Singer action and this new proceeding are, in fact, related, belongs, in the first instance, to the assigned Justice (see Section I[B] of the "Summary of Courthouse Procedures"). If Justice Feinman determines that this proceeding is not related to the Singer action, he is directed to order re-assignment of the proceeding to a Commercial Division judge.

Dated: September 13, 2010

ENTER:  A.J.

Check one: FINAL DISPOSITION

NON-FINAL DISPOSITION