

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

PRESENT: Hon. Sherry Klein Heitler  
Administrative Order

**HON. SHERRY KLEIN HEITLER**

FINE ART FINANCE, LLC,

Plaintiff,

- v -

INDEX NO. 603534/09

EVAN TAWIL,

Defendant.

Administrative Order:

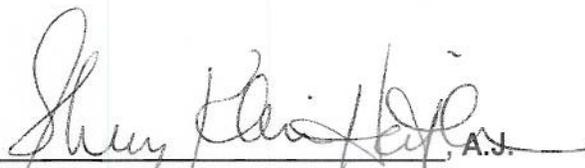
By letter dated January 20, 2010, counsel for defendant Evan Tawil requests that this action be assigned to the Commercial Division pursuant to Uniform Rule 202.70(e). Plaintiff's counsel opposes the request by letter dated January 25, 2010.

On November 24, 2009, plaintiff filed a Request for Judicial Intervention (RJI) in connection with a preliminary conference request, designating the matter "other matters-breach of contract." Plaintiff's counsel asserts that he served defendant by mail with a copy of the RJI on November 24, 2009. The matter was assigned to the Honorable Jane Solomon (Part 55) on December 1, 2009.

Although defendant argues that there is a related case pending before the Honorable Eileen Bransten (Part 3) in the Commercial Division, there is a 10-day time limit on these applications, which is strictly construed. See Uniform Rule 202.70 (e). Further, the parties in this matter appeared before Justice Solomon on January 4, 2010 for a preliminary conference, where Justice Solomon issued a preliminary conference order.

Accordingly, defendant's request for re-assignment of this action to the Commercial Division is denied.

Dated: January 26, 2010

ENTER:  A.J.

**HON. SHERRY KLEIN HEITLER**

Check one:  FINAL DISPOSITION

NON-FINAL DISPOSITION