

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

PRESENT: Hon. Sherry Klein Heitler
Administrative Order

XIFIAS NAVIGATION LIMITED,

Petitioner,

-v-

OCEAN TANKERS HOLDINGS PUBLIC
COMPANY LIMITED,

Respondent.

INDEX NO. 651177/2010

Administrative Order:

By letter dated October 19, 2010, counsel for petitioner requests that this action be transferred out of the Commercial Division. This request is unopposed.

As the decision to transfer a case from the Commercial Division belongs, in the first instance, to the assigned Commercial Division justice (see Uniform Rule 202.70 [f]), petitioner's request was forwarded to Justice Richard B. Lowe, III. On October 26, 2010, Justice Lowe issued an order referring this matter to Motion Support for reassignment to a non-commercial part, as it does not qualify as commercial under Uniform Rule 202.70 (c) (4). Therefore, the application to transfer this action to the Commercial Division is denied as moot.

Dated: October 28 2010

ENTER:  _____, A.J.

Check one: FINAL DISPOSITION

NON-FINAL DISPOSITION

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

PRESENT: ON. RICHARD B. LOWE, III
Justice

PART 56

Xifias Navigation Limited

INDEX NO. 651177/10

- v -

MOTION DATE _____

Ocean Tankers

MOTION SEQ. NO. _____

MOTION CAL. NO. _____

The following papers, numbered 1 to _____ were read on this motion to/for _____

PAPERS NUMBERED

Notice of Motion/ Order to Show Cause — Affidavits — Exhibits ...

Answering Affidavits — Exhibits _____

Replying Affidavits _____

Cross-Motion: Yes No

Upon the foregoing papers, it is ordered that this motion

This motion and the underlying matter are respectfully referred back to the Clerk of Room 119 for random reassignment to a non commercial part.

The underlying matter is a petition to enforce a foreign judgment. In a letter to Justice Heitler dated October 19, 2010, the parties request that the matter be reassigned out of the Commercial Division because it does not qualify as a commercial matter as defined by §202.70 of the Rules of the Commercial Division. 202.70(c)(4) of the Rules of the Commercial Division hold that actions to enforce a judgment are non commercial in nature. Accordingly, this action is randomly reassigned to a non commercial part.

Dated: 10/26/10

ON. RICHARD B. LOWE, III

J.S.C.

Check one: FINAL DISPOSITION NON-FINAL DISPOSITION

Check if appropriate: DO NOT POST

MOTION/CASE IS RESPECTFULLY REFERRED TO JUSTICE FOR THE FOLLOWING REASON(S):