

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

PRESENT: Hon. Sherry Klein Heitler
Administrative Order

COLONIAL SURETY COMPANY,

Plaintiff,

- v -

INDEX NO. 650119/12

PREFERRED BUILDERS, INC. and PATRICK
KELLEHER,

Defendants.

Administrative Order:

By letter dated June 7, 2012, counsel for plaintiff Colonial Surety Company requests a transfer of this action from I.A.S. Part 63 (Coin, J.) to the Commercial Division pursuant to Uniform Rule 202.70 (e).

Plaintiff's counsel filed the Request For Judicial Intervention (RJI) in this case on May 8, 2012, but did not file the required Commercial Division Addendum until May 15, 2012, after the case was assigned to a non-commercial part.

Plaintiff's request for assignment to the Commercial Division is denied. 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). Here, even though the filing mistake appears to be inadvertent, an application to transfer the case to the Commercial Division should have been made no later than May 25, 2012.

Dated: June 12, 2012

ENTER:


HON. SHERRY KLEIN HEITLER
ADMINISTRATIVE JUDGE

Check one: FINAL DISPOSITION

NON-FINAL DISPOSITION