

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

PRESENT: Hon. Sherry Klein Heitler
Administrative Order

G.K. LAS VEGAS LIMITED PARTNERSHIP,

Plaintiff,

- v -

INDEX NO. 152989/2012

GREGORY & HOENEMEYER, INC.,

Defendant.

Administrative Order:

By letter dated August 6, 2012, counsel for defendant Gregory & Hoenemeyer, Inc. requests that this proceeding be transferred into the Commercial Division. Plaintiff G.K. Las Vegas Limited Partnership opposes the application, by its counsel's letter dated August 7, 2012, as untimely and on the ground that this case involves a dispute over the payment of professional fees, and thus does not meet the standards for assignment to the Commercial Division pursuant to Uniform Rule 202.70 (c) (1).

Uniform Rule 202.70 (e) provides that an application to transfer an action into the Commercial Division must be made by letter application within 10 days of the party's receipt of a copy of the Request for Judicial Intervention (RJI), thereby putting them on notice that the filing party has not requested that the case be assigned to the Commercial Division. The RJI was electronically-filed by plaintiff's counsel on June 29, 2012 in connection with the plaintiff's request for a preliminary conference. Although the case was designated as "Commercial - Contract," the required Commercial Division addendum was not included and the case was marked related to a case pending before the Hon. Anil C. Singh. On July 2nd, Justice Singh was assigned to the instant case. Thus, defendant's August 6th request is past the 10-day time limit.

For these reasons, defendant's request for assignment to the Commercial Division is denied as untimely.

Dated: August 9, 2012

ENTER:  _____, A.J.

Check one: FINAL DISPOSITION NON-FINAL DISPOSITION