

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

PRESENT: Hon. Sherry Klein Heitler  
Administrative Order

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ORCHARD HOTEL, LLC,

Plaintiff,

- v -

INDEX NO. 850044/2011

D.A.B. GROUP, LLC, ORCHARD CONSTRUCTION, LLC, FLINTLOCK CONSTRUCTION SERVICES LLC, JJ K MECHANICAL INC., EDWARD MILLS & ASSOCIATES, ARCHITECTS, PC, CASINO DEVELOPMENT GROUP, INC., CITYWIDE CONSTRUCTION WORKS INC., EMPIRE TRANSIT MIX INC., MARJAM SUPPLY CO., INC., ROTAVELE ELEVATOR INC., SMK ASSOCIATES INC., FJF ELECTRICAL CO. INC., CITY OF NEW YORK, NEW YORK STATE DEPARTMENT OF TAXATION AND FINANCE, and JOHN DOE #1 through JOHN DOE #100,

Defendants.

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Administrative Order:

By letter dated May 17, 2012, counsel for the plaintiff requests that this action, currently assigned to the Hon. Bernard Fried, be immediately re-assigned to another justice of the Commercial Division in view of Justice Fried's retirement in July. This is a commercial foreclosure action regarding a partially-completed construction site in Lower Manhattan, containing a 16-story concrete superstructure which lacks exterior walls and a roof. Counsel contends that the project has been dormant and exposed to the elements for over one year, and will lose zoning rights if substantial construction milestones are not met by March 2013. No opposition to the request has been received.

The Motion Support Office is hereby directed to transfer this action to Commercial Division Justice Charles E. Ramos (Part 53), who is requested to schedule oral argument on the plaintiff's motion for summary judgment and two cross-motions (seq. no. 006) as soon as his schedule permits.

Dated: May 22 2012

ENTER: Sherry Klein Heitler, A.J.

Check one:  FINAL DISPOSITION  NON-FINAL DISPOSITION