

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

PRESENT: Hon. Sherry Klein Heitler  
Administrative Order

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SMIC GROUP, INC., and SUZHOU  
INDUSTRIAL PARK RONWI GARMENTS CO.,  
LTD.,

Plaintiffs,

- v -

INDEX NO. 652959/2011

GREAT JOY TRADING LIMITED, et al.,

Defendants.

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Administrative Order:

By letter dated April 4, 2012, counsel for defendants Beyonce, Inc., House of Dereon, Inc., and Beyond Productions, LLC (collectively, the Beyonce Defendants) requests that this action be assigned to the Commercial Division. No opposition has been received to date.

On February 14, 2012, a Request for Judicial Intervention (RJI) was filed by defendants Great Joy Trading Limited, Great Joy Trading Group, Inc., Yong Xun Jian, SBF Industries, Ltd., LaGooya Corp., Real Maya Design, Inc., and Sara Johnson, Inc. (collectively, the Other Defendants). However, the Beyonce Defendants claim that the Other Defendants never served them with a copy of the RJI. This claim is supported by the affidavit of service filed with the RJI. The Beyonce Defendants assert that it was not until March 13, 2012 that they became aware of the assignment to a non-commercial part.

Uniform Rule 202.70 (e) places a 10-day time limit on these applications, measured from the receipt of a copy of the RJI, and the time limit is strictly construed. As it appears that the Beyonce Defendants were not served with the RJI, in this case, the date is measured from March 13, 2012, when the Beyonce Defendants became aware of the assignment to a non-commercial part. Even applying this date, the application is still untimely.

Therefore, the request to transfer is denied.

Dated: April 5, 2012

ENTER:  \_\_\_\_\_, A.J.

Check one:  FINAL DISPOSITION  NON-FINAL DISPOSITION