

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

**PRESENT: Hon. Jacqueline Silbermann  
Administrative Order**

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**TERRASURE DEVELOPMENT, LLC and  
GANNETT FLEMING PROJECT DEVELOPMENT  
CORPORATION,**

**Plaintiffs,**

**- v -**

**INDEX NO. 603533/2007**

**ILLINOIS UNION INSURANCE COMPANY,**

**Defendant.**

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**Administrative Order:**

By letter dated March 26, 2008, counsel for defendant, Illinois Union Insurance Company, requests that this action be transferred to the Commercial Division pursuant to Uniform Rule 202.70. Defendant's counsel contends that the action should be reassigned to the Commercial Division, because this action, seeking declaratory and monetary relief, involves complex insurance issues. To date, the Court has not received opposition to this request.

Defendant's counsel filed a Request for Judicial Intervention (RJI) on December 20, 2007 in connection with a motion to dismiss, which was later withdrawn. Defendant's counsel designated the case as "Declaratory Judgment - Environmental," and the case was assigned to the Honorable Debra James, a non-commercial judge.

Uniform Rule 202.70(e) places a 10-day time limit on these applications, measured from the receipt of a copy of the RJI. Defendant's request is clearly past the time limit. Further, the parties have already appeared before Justice James' Part for a preliminary conference.

Accordingly, the request is denied as untimely.

Dated: March 31, 2008

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

Check one:  FINAL DISPOSITION

NON-FINAL DISPOSITION