

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

PRESENT: HON. JACQUELINE W. SILBERMANN
Administrative Judge Justice

~~PART~~ _____

In the Matter of the application of
UBS PaineWebber Inc., Petitioner
- v -
Benistar Property Exchange Trust Co., Respondent

INDEX NO. 600156/2006
~~MOTION DATE~~ _____
~~MOTION SEQ. NO.~~ _____
~~MOTION CAL. NO.~~ _____

Administrative Order

The following papers, numbered 1 to _____ were read on this motion to/for _____

Notice of Motion/ Order to Show Cause — Affidavits — Exhibits ...

Answering Affidavits — Exhibits _____

Replying Affidavits _____

PAPERS NUMBERED

Cross-Motion: Yes No

~~Upon the foregoing papers, it is ordered that this motion~~

Counsel for petitioner in this Article 75 proceeding requests that this matter be transferred to the Commercial Division pursuant to Uniform Rule 202.70. The respondent concurs with this request. This matter was commenced after the effective date of the Rule. The Request for Judicial Intervention was filed to reflect that the matter was considered by the petitioner to be a commercial Article 75 case and a statement in support of assignment to the Division was submitted as required by the new standards. Due to an oversight probably occasioned by the fact that the Uniform Rule is so new, the case was assigned as a regular special proceeding. This was an error. This case clearly falls within the standards for assignment of cases to the Division (Uniform Rule 202.70 (b) (12)). The case was removed to Federal court, but a stipulation to remand the matter was executed by the parties and so ordered by the United States District Judge assigned. Accordingly, the Motion Support Office is directed to reassign this case at random to a Justice of the Commercial Division.

Dated: 2/24/06

[Signature]
A.J. J.S.C.

Check one: FINAL DISPOSITION NON-FINAL DISPOSITION

Check if appropriate: DO NOT POST REFERENCE

MOTION/CASE IS RESPECTFULLY REFERRED TO JUSTICE FOR THE FOLLOWING REASON(S):