

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

PRESENT: Hon. Joan B. Carey
Administrative Order

In the Matter of the Application of Calyon,

Petitioner,

For an Order Quashing Subpoenas Issued in
Financial Industry Regulatory Authority Arbitration
No. 08-01653 by Francois Pages,

INDEX NO. 105516/09

Respondent.

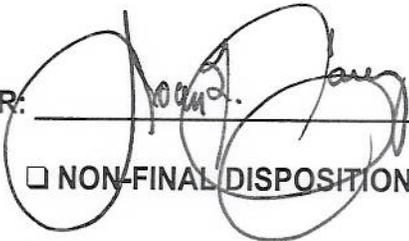
Administrative Order:

By letter dated April 22, 2009, counsel for the petitioner applies for a transfer of this action from I.A.S. Part 23 (Braun, J.) to the Commercial Division pursuant to Uniform Rule 202.70. The Court has not received an objection to petitioner's request.

It was the petitioner's counsel who filed the Request for Judicial Intervention (RJI) on April 20, 2009 in connection with this Article 75 proceeding and failed to follow the requirements set forth in Uniform Rule 202.70 (d) to have this special proceeding assigned to the Commercial Division. Uniform Rule 202.70 (d) clearly states that a party seeking a designation of a special proceeding as a commercial case must check the "other commercial" box on the RJI, and not one of the boxes under "Special Proceedings." Regardless of whether this mistake was inadvertent, the Uniform Rules do not provide for a second chance to the party that filed the RJI to correct their error. Rather, Rule 202.70 (e) is clear that the right to appeal an RJI designation is limited to "any other party."

For these reasons, petitioner's request is denied.

Dated: April 24, 2009

ENTER:  _____, A.J.

Check one: FINAL DISPOSITION

NON-FINAL DISPOSITION