

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

PRESENT: Hon. Joan B. Carey
Administrative Judge

OSQUGAMA F. SWEZEY,

Petitioner,

- v -

INDEX NO. 104734/09

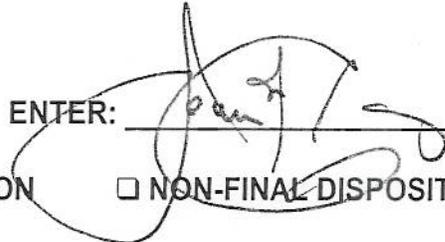
MERRILL LYNCH, PIERCE, FENNER &
SMITH INCORPORATED,

Respondent.

Administrative Order:

I decline to approve the annexed order dated May 4, 2009 recommending a reassignment of this turn-over proceeding to the Commercial Division. The proceeding will remain in I.A.S. Part 17 until advisement of the parties' joint application or consent to a re-assignment to the Commercial Division, since the petitioner did not choose to file the proceeding as a commercial case when the Request For Judicial Intervention was filed (see Uniform Rule 202.70 [d] [1]).

Dated: May 8, 2009

ENTER:  _____, A.J.

Check one: FINAL DISPOSITION NON-FINAL DISPOSITION

PRESENT: EMILY JANE GOODMAN

PART 17

Justice

OSQUGAMA F. SWEEZEY

Petitioner

INDEX NO. 104734-09

- v -

MOTION DATE _____

MERRILL LYNCH, PIERCE, FENNER &
SMITH INCORPORATED.

MOTION SEQ. NO. _____

Respondent

MOTION CAL. NO. _____

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

Subject to the approval of the Administrative Judge of the Court, it is respectfully requested that this proceeding, brought by members of a certified class of human rights victims who obtained a judgment against the Estate Ferdinand Marcos, the former President of the Phillipines, be reassigned to the Commercial Division. At issue is a 35 million dollar turnover proceeding against Respondent Merrill Lynch concerning money held in an account in the name of Arelma, Inc. (a Panamanian corporation) based on allegations that the corporation disregarded corporate formalities and was the alter ego of Marcos. The corporation, as well as Philippine National Bank, wish to intervene in this proceeding. As this matter is over the threshold amount and involves issues more typically addressed in the commercial division, and subsumed under Commercial Division Rule 202.70, reassignment is requested, subject to approval.

Dated: 5/4/09

J.S.C.

Check one: FINAL DISPOSITION NON-FINAL DISPOSITION

Check if appropriate: DO NOT POST

MOTION/CASE IS RESPECTFULLY REFERRED TO JUSTICE
Commercial Division
if approved by Administrative Judge