

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

PRESENT: Hon. Sherry Klein Heitler
Administrative Order

ALL POINTS CAPITAL CORP.,

Plaintiff,

- v -

INDEX NO. 651882/2010

MANGIA WALL LLC, SASHA MUNIAK, MANGIA 23RD
STREET LLC, SERVICES MANGIA, INC., MANGIA
57, INC., 60 GREENWICH LLC, and 40 WALL STREET
LLC,

Defendants.

Administrative Order:

By letter dated March 7, 2011, counsel for defendants seeks to have this action reassigned from the Commercial Division to the Hon. Alice Schlesinger (I.A.S. Part 16) on the grounds that this action is related to Capital One, N.A. v. 60-62 Greenwich Realty LLC. et al., Index No. 100084/2010 (Capital One Action). Counsel for plaintiff objects.

On February 16, 2010, plaintiff filed a Request for Judicial Intervention (RJI), marking the case commercial. Plaintiff did not mark this case related to the Capital One Action, but rather marked it related to All Points Capital Corp. v. Mangia, et al., Index No. 600936/09 (Mangia Action), pending before the Hon. Barbara Kapnick (Part 39) in the Commercial Division. Thus, this case was assigned to Justice Kapnick.

The decision as to whether this action is related to the Mangia Action or the Capital One Action belongs, in the first instance, to the assigned Justice (see Section I[B] of the "Summary of Courthouse Procedures"). Therefore, this request must be made to Judge Kapnick. It is only if further review is required after Judge Kapnick's determination, that the issue is raised before the Administrative Judge. I will forward this order along with a copy of the parties' letters to Justice Kapnick's Chambers.

Dated: March 9, 2011

ENTER: Sherry Klein Heitler, A.J.

Check one: FINAL DISPOSITION NON-FINAL DISPOSITION