

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

PRESENT: Hon. Sherry Klein Heitler
Administrative Order

GROUP IX INC.,

Plaintiff,

- v -

INDEX NO. 601034/2007

NEXT PRINTING & DESIGN INC. and DAVID
MOYAL,

Defendants.

Administrative Order:

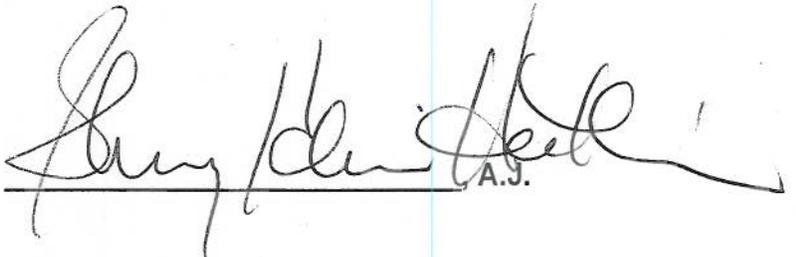
By letter dated March 28, 2012, co-counsel for David Moyal requests that this action, currently pending before Justice Joan Kenney, be consolidated for joint trial with the action, David Moyal v Group IX, Inc., Index No. 601973/07, currently pending before Commercial Division Justice Eileen Bransten. Plaintiff opposes consolidation for joint trial. No other opposition has been received to date.

On October 5, 2011, Justice Kenney granted the defendants' motion for consolidation for joint trial and ordered that this action be transferred to Justice Bransten (October 5th order). On March 19, 2012, Justice Kenney vacated the October 5th Order. Now, this action is scheduled for trial on April 2, 2012 before Justice Kenney.

As defendant Moyal is seeking an appeal of Justice Kenney's order vacating consolidation for joint trial, there is no application properly before the Administrative Judge. Any appeal of a motion for consolidation for joint trial must be brought before the Appellate Division. Even if this was an application to transfer this action to the Commercial Division, it is untimely, as Uniform Rule 202.70(e) places a 10-day time limit on applications to transfer cases into the Commercial Division, measured from the receipt of a copy of the RJL.

This request is denied.

Dated: March 29, 2012

ENTER:  A.J.

Check one: FINAL DISPOSITION NON-FINAL DISPOSITION