

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

PRESENT: Hon. Sherry Klein Heitler
Administrative Order

MARIE HOLDINGS, INC.,

Plaintiff,

- v -

INDEX NO. 810052/11

BICLYN CORP. et al.,

Defendants.

Administrative Order:

By letter dated May 7, 2012, counsel for plaintiff requests that this action, currently assigned to the Hon. Alice Schlesinger (I.A.S. Part 16), be transferred to the Commercial Division pursuant to Uniform Rule 202.70.

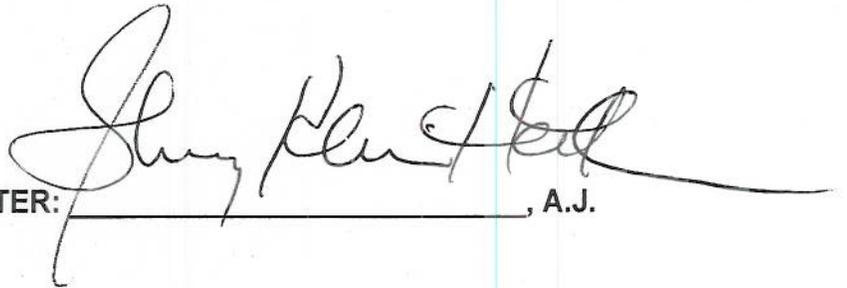
Plaintiff's counsel filed the Request For Judicial Intervention (RJI) in this action on August 18, 2011. As plaintiff's counsel filed the RJI, he cannot request a transfer because the right to appeal an RJI designation is limited to "any other party." See Uniform Rule 202.70 (e). Further, Uniform Rule 202.70 (e) places a 10-day time limit on these applications, measured from the receipt of a copy of the RJI, and the time limit is strictly construed.

Nevertheless, foreclosure actions involving residential properties are considered non-commercial pursuant to Uniform Rule 202.70 (b) (3), which excludes "residential real estate disputes." As the real property at issue here consists of a residential apartment building located at 132 West 130th Street, New York, New York, it is a non-commercial case.

For these reasons, plaintiff's request to transfer this action to the Commercial Division is denied.

Dated: May 7, 2012

ENTER: _____, A.J.



Check one: FINAL DISPOSITION NON-FINAL DISPOSITION