

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

PRESENT: Hon. Sherry Klein Heitler  
Administrative Order

THE BOARD OF MANAGERS OF THE ONYX  
CHELSEA CONDOMINIUM, on its own behalf and  
on behalf of individual unit owners,

Plaintiff,

- v -

INDEX NO. 114230/10

261 WEST LLC, EVAN HAYMES, MATTHEW  
BRONFMAN, EDWARD CURTY, KREISLER BORG  
FLORMAN a/k/a KREISLER BORG FLORMAN  
GENERAL CONSTRUCTION COMPANY, INC.,  
SAPARN REALTY, INC., JOHN DOE #1 THROUGH  
JOHN DOE #10, names being fictitious and intending  
to designate currently unknown parties who  
performed work and rendered services in connection  
with the design and construction of THE ONYX  
CHELSEA CONDOMINIUM,

Defendants,

Administrative Order:

By letter dated February 16, 2011, defendant Saparn Realty, Inc. (Saparn) applies for a transfer of this action from I.A.S. Part 12 (Feinman, J.) to the Commercial Division pursuant to Uniform Rule 202.70. Plaintiff opposes this application as untimely.

On November 1, 2010, plaintiff filed an a Request for Judicial Intervention (RJI) in connection with its request for a preliminary conference. Plaintiff did not designate the case as commercial, and the matter was assigned to a non-commercial part. 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.

Thus, this application is denied.

Dated: February 28, 2011

ENTER: , A.J.

HON. SHERRY KLEIN HEITLER  
ADMINISTRATIVE JUDGE

Check one:  FINAL DISPOSITION  NON-FINAL DISPOSITION