

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

PRESENT: Hon. Sherry Klein Heitler
Administrative Order

FREDERICK B. WHITTEMORE,

Plaintiff,

- v -

INDEX NO. 600742/10

EDWIN H. YEO, III, ENDURANCE CAPITAL
MANAGEMENT COMPANY, L.P., ENDURANCE
MANAGEMENT COMPANY, LLC, and YEO FARMS,
L.L.C.,

Defendants.

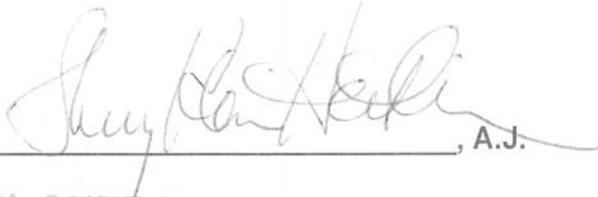
Administrative Order:

By letter dated January 18, 2011, counsel for plaintiff requests that this action, currently assigned to the Hon. Richard Braun (I.A.S. Part 23), be transferred to the Commercial Division pursuant to Uniform Rule 202.70.

Plaintiff's counsel filed the Request For Judicial Intervention (RJI) in the above-captioned action on October 1, 2010, designating the action as "Other Matters." As the right to appeal an RJI designation is limited to "any other party" (Uniform Rule 202.70[e]), plaintiff cannot make this application. There is also a 10-day time limit on these applications, which begins when a party is served with the RJI, and thus learns that a non-commercial designation was chosen by the filing party. See Uniform Rule 202.70(e).

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

Dated: January 19, 2011

ENTER: , A.J.

HON. SHERRY KLEIN HEITLER
ADMINISTRATIVE JUDGE

Check one: FINAL DISPOSITION NON-FINAL DISPOSITION