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

PRESENT: HON. JACQUELINE W. SILBERMANN ~~PART~~ _____
Administrative Judge ~~Justice~~

Bistate Oil Management Co. et ano.

- v -

US Skyline Realty Ltd, et al.

INDEX NO. 117022-2005

~~MOTION DATE~~ _____

~~MOTION SEQ. NO.~~ _____

~~MOTION CAL. NO.~~ _____

Administrative Order

The following papers, numbered 1 to _____ were read on this motion to/for _____

	PAPERS NUMBERED
Notice of Motion/ Order to Show Cause — Affidavits — Exhibits ...	
Answering Affidavits — Exhibits	
Replying Affidavits	

Cross-Motion: ☐ Yes ☐ No

~~Upon the foregoing papers, it is ordered that this motion~~

Counsel for defendants has requested that this case be transferred to the Commercial Division pursuant to Uniform Rule 202.70, which became effective January 17, 2006. This case, which is a commercial landlord-tenant dispute, was commenced on December 7, 2005 and was assigned as a non-commercial case to Hon. Louis B. York, who signed an order to show cause the following day. Six days after the new Rule went into effect, counsel submitted the present request, which is opposed by counsel for plaintiffs.

The Uniform Rule does not indicate whether it is to be applied retroactively, that is, to RJIs that were filed prior to January 17, 2006. In my view, the most orderly approach is to apply the Rule to RJIs filed on January 17 or thereafter. This case was properly assigned at the time the RJI was filed, no request for a transfer was made at the time (no doubt because the assignment was understood to be correct), and, until this application was made, the case proceeded on the assumption that it belonged in the Part in which it is pending.

Accordingly, the request for a transfer is denied.

Dated: 1/27/06

A.J.S.C. ~~J.S.C.~~

MOTION/CASE IS RESPECTFULLY REFERRED TO JUSTICE _____ FOR THE FOLLOWING REASON(S):

Check one: ☐ FINAL DISPOSITION ☑ NON-FINAL DISPOSITION

Check if appropriate: ☐ DO NOT POST ☐ REFERENCE