



STATE OF NEW YORK  
UNIFIED COURT SYSTEM  
FIRST JUDICIAL DISTRICT  
SUPREME COURT, CIVIL BRANCH  
60 CENTRE STREET  
NEW YORK, NEW YORK 10007-1474  
(212) 374-4726  
FAX (212) 374-3326

JONATHAN LIPPMAN  
Chief Administrative Judge

JOAN B. CAREY  
Deputy Chief Administrative Judge  
New York City Courts

STEPHEN G. CRANE  
Administrative Judge  
First Judicial District  
Supreme Court, Civil Branch

March 19, 2001

Sean E. O'Donnell, Esq.  
Akin Gump Strauss Hauer & Feld, LLP  
590 Madison Avenue  
New York, NY 10022

Re: Cole v. Macklowe  
Index No. 664784/99

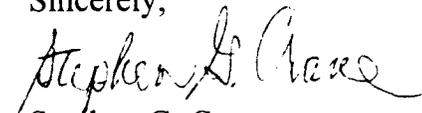
Dear Mr. O'Donnell:

By letter dated March 6, 2001, you requested that the above action be transferred to the Commercial Division. You express the agreement of all parties with the approval of Justice Braun.

In ordinary circumstances this concurrence along with the magnitude and nature of the action would result in a transfer. But, the Cole case has been pending since January 2000 and six motions have already been made in the action. Two conferences were held with another scheduled for next month.

Both Justice Braun and the Commercial Division Justices preside over pure IAS parts. This means that they manage a case from beginning to end. As I am confident you appreciate, it would be destructive of this essence of an IAS part to transfer the Cole case after so much time has passed and litigation conducted. Therefore, I deny your application for a transfer.

Sincerely,

  
Stephen G. Crane

SGC:rmd

cc: Hon. Richard Braun  
Michael Allen, Esq.  
Robert C. Meade, Esq. ✓