

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

**PRESENT:** Hon. JACQUELINE W. SILBERMANN **PART** \_\_\_\_\_  
Administrative Judge Justice

Retail Resources, L.P.

INDEX NO. 604423/2002

- v -

Bed Bath & Beyond

MOTION DATE \_\_\_\_\_

MOTION SEQ. NO. \_\_\_\_\_

MOTION CAL. NO. \_\_\_\_\_

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~~

J.S.C.

Defendant's application to transfer this matter to the Commercial Division is granted. It is clear that this is a commercial case suitable for resolution in the Commercial Division. As there has been no motion practice to date and a preliminary conference has not been conducted, there is no reason, from the perspective of conservation of judicial resources, why this matter cannot be transferred. Defendant, it appears, acted with reasonable dispatch in making an application for a transfer. Plaintiff has expressed concern that a transfer might result in delay in the discovery process. However, as a preliminary conference has not been scheduled, there does not seem to be any reason why delay should occur. Furthermore, to assure that none occurs, a copy of this administrative order will promptly be forwarded to the Commercial Division Justice to whom this matter is assigned with the request that a preliminary conference be scheduled at the earliest practical date. Counsel should contact the Part Clerk to learn of the scheduled date.

MOTION/CASE IS RESPECTFULLY REFERRED TO

JUSTICE  
DATED:

Dated: 8/13/03

  
J.S.C.

Check one:  FINAL DISPOSITION  NON-FINAL DISPOSITION