

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

PRESENT: Hon. Jacqueline Silbermann
Administrative Order

DEL MAR PERSONNEL, INC.,

Plaintiff,

- v -

INDEX NO. 604350/2006

VOLT MANAGEMENT CORP. A/K/A VOLT
SERVICES GROUP, MELLON BANK, N.A.,
MELLON INVESTOR SERVICES LLC,
FORMERLY KNOWN AS CHEMICAL
MELLON SHAREHOLDER SERVICES, L.L.C.,

Defendants.

[and a third-party action]

Administrative Order:

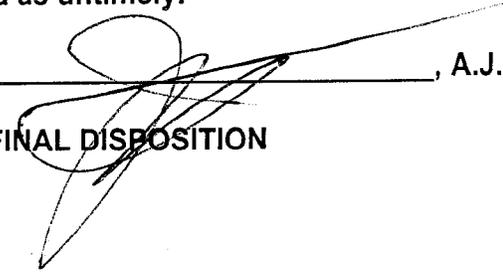
By letter dated August 22, 2007, counsel for defendant and third-party plaintiff Volt Management Corp. (Volt) requests that this action be transferred to the Commercial Division pursuant to Uniform Rule 202.70.

This action was originally designated as a "Other Matters- Breach of Contract" by counsel for plaintiff and third-party defendant Joseph Del Mar on the Request for Judicial Intervention (RJI) he filed with the court on June 5, 2007 in connection with a motion to dismiss the third-party complaint, originally returnable on August 9, 2007. Accordingly, the action was assigned on June 22, 2007 to a non-commercial judge, the Hon. Richard Braun (I.A.S. Part 23).

Uniform Rule 202.70(e) provides that any other party has 10 days from their receipt of the RJI to apply for a transfer to the Commercial Division. Counsel for Volt does not address the timeliness of this application in his letter and the court can only assume that Volt was properly served with a copy of the RJI as required by Uniform Rule 202.6(a) on or before June 5th.

Accordingly, this application must be denied as untimely.

Dated: September 11, 2007

ENTER:  _____, A.J.

Check one: FINAL DISPOSITION

NON-FINAL DISPOSITION