

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

**PRESENT: Hon. Jacqueline Silbermann  
Administrative Order**

---

**JONATHAN ADLER and J.A. WHOLESale, LLC  
sued in arbitration as "Jonathan Adler Wholesale, LLC",**

**Petitioners,**

**- v -**

**INDEX NO. 108500/2007**

**RIPE IDEAS, INC. a/k/a  
RIPE IDEAS, LLC,**

**Respondents.**

---

**Administrative Order:**

By letter dated August 1, 2007, counsel for the petitioners applies for a transfer of this action from I.A.S. Part 11 (Madden, J.) to the Commercial Division pursuant to Uniform Rule 202.70. The Court has not received an objection to petitioners' request.

It was the petitioners' counsel who filed the Request for Judicial Intervention (RJI) back on June 19, 2007 in connection with this Article 75 proceeding and failed to follow the requirements set forth in Uniform Rule 202.70(d) to have this special proceeding assigned to the Commercial Division. Regardless of whether this mistake was inadvertent, the Uniform Rules do not provide for a second chance to the party that filed the RJI to correct their error. Rather, Rule 202.70(e) is clear that the right to appeal an RJI designation is limited to "any other party." In addition, this application is well past the 10-day time limit on these types of applications. Petitioners' counsel should have known that this case was assigned to a non-commercial part at the earliest by June 21st, when the matter was assigned to Justice Madden, and at the latest by July 6th, when the petition was first returnable and subsequently adjourned twice by stipulation of the parties.

For these reasons, petitioners' request is denied.

Dated: August 3, 2007

ENTER: \_\_\_\_\_, A.J.

Check one:  FINAL DISPOSITION

NON-FINAL DISPOSITION

