

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

PRESENT: HON. JACQUELINE W. SILBERMANN
Administrative Judge Justice

PART _____

In re Matter of the Application of
Dow Agrosciences LLC

INDEX NO. _____

117501/2005

MOTION DATE _____

MOTION SEQ. NO. _____

MOTION CAL. NO. _____

- v -

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 _____

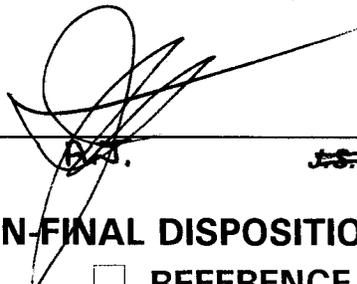
Replying Affidavits _____

Cross-Motion: Yes No

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

Counsel for respondent Arsenal Capital Partners LP seeks a transfer of this proceeding under CPLR 3102 (c) to the Commercial Division pursuant to Uniform Rule 202.70. This request is denied. The Request for Judicial Intervention was filed in this matter on December 16, 2005, more than a month before the effective date of Section 202.70. My view is that the Section does not apply to RJIs filed before the effective date. See Bistate Oil Management Co. v. US Skyline Realty Ltd., Index No. 117022/2005 (Jan. 27, 2006)(Admin. Order), posted on the website of the Commercial Division at www.nycourts.gov/comdiv/Orders%20In.htm. The *Guidelines for Assignment of Cases to the Commercial Division*, which do not apply to cases in which RJIs were filed after the effective date of the Rule, do not provide a basis for a transfer of this discovery proceeding to the Division.

Dated: 2/22/06



J.S.G.

Check one: FINAL DISPOSITION NON-FINAL DISPOSITION

Check if appropriate: DO NOT POST REFERENCE

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