

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

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

---

**In the Matter of the Application of**

**PETAR VUKSANOVIC,,**

**Petitioner,**

**to set aside a purported election of**

**INDEX NO. 602799/07**

**ROBERT VUKSANOVIC, LILLIAN VUKSANOVIC  
and ANNA VUKSANOVIC as directors and officers of  
CACO & SON REALTY CORP.,**

**Respondents,**

**et al.,**

---

**Administrative Order:**

By letter dated December 31, 2007, newly-retained counsel for the petitioner, Petar Vuksanovic, requests that this special proceeding, together with a related action, be transferred to the Commercial Division pursuant to Uniform Rule 202.70(e).

Petitioner's former attorney filed a Request for Judicial Intervention (RJI) on October 1, 2007, designating the matter as "Other Special Proceeding" and related to an action entitled Caco & Son Realty Corp. v Petar Vuksanovic, Index No. 601413/07, then assigned to the Hon. Saralee Evans. Thus, the proceeding was assigned to Justice Evans, a non-commercial judge, on October 2, 2007.

Uniform Rule 202.70(e) places a 10-day time limit on these applications, measured from the receipt of a copy of the RJI. The withdrawal of petitioner's original attorney is not a sufficient reason to justify transfer of this case into the Commercial Division, particularly in light of Justice Evans' substantive involvement in the related action and the fact that Justice Evans granted his former attorney's motion to withdraw on October 30, 2007 and only stayed the proceeding for 30 days therefrom.

Accordingly, for these reasons, the request to transfer this special proceeding into the Commercial Division is denied as untimely.

Dated: January 7, 2008

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

Check one:  FINAL DISPOSITION

NON-FINAL DISPOSITION