

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

PRESENT: Hon. Peter H. Moulton
Administrative Order

TD BANK, N.A. successor by merger to
COMMERCE BANK, N.A.,

Plaintiff,

- v -

INDEX NO. 652652/2011

JLS INDUSTRIES INC. and JOHN LOVERDE,

Defendants.

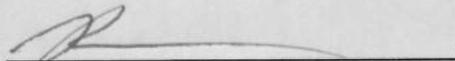
Administrative Order:

By letter dated October 5, 2015, plaintiff's counsel requests that this action be transferred from I.A.S. Part 29 (Kalish, J.) to the Commercial Division pursuant to Uniform Rule 202.70 (e). There is no response to the request.

The Request For Judicial Intervention (RJI) was filed in this action on January 19, 2012. Although the RJI was marked "commercial" and the commercial addendum was attached, this matter was assigned to the Honorable Anil C. Singh, when he presided over a non-commercial part (I.A.S. Part 61). At that time, neither party objected to this assignment and motions were heard and decided in the non-commercial part. In his letter, counsel states that it was suggested during a preliminary conference before Justice Kalish that this matter might be best suited for the Commercial Division. However, Uniform Rule 202.70 (e) places a 10-day time limit on these applications, measured from the receipt of a copy of the RJI, and the time limit is strictly construed.

For these reasons, plaintiff's request to transfer this action into the Commercial Division is denied.

Dated: October 9, 2015

ENTER: , A.J.

Check one: FINAL DISPOSITION

NON-FINAL DISPOSITION