

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

PRESENT: Hon. Peter H. Moulton
Administrative Order

The Alliance to End Chickens as Kaporos, RINA DEYCH, individually, and RINA DEYCH, as a member of The Alliance to End Chickens as Kaporos, et al.,

Plaintiffs,

- v -

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THE NEW YORK CITY POLICE DEPARTMENT, et al.,

Defendants.

Administrative Order

By letter dated August 12, 2015, counsel for defendant Shlomie Zarchi requests that this action be assigned to the Commercial Division pursuant to Uniform Rule 202.70. Counsel also requests a nullification of the assignment of this action to Judge Debra James (IAS Part 59) and a suspension of the briefing schedule ordered by Justice James on the ground that a Request for Judicial Intervention (RJI) was not filed in New York County. To date, no opposition has been received.

This action seeks to prevent the defendants from participating in and/or aiding in the participation of Kaporos, a religious ritual practiced as part of the Jewish holiday Yom Kippur. The principal claims stem, not from any business dealings between the parties, but from the violation of New York State Agriculture and Markets Law and Labor Law, as well as New York City Health Codes and other administrative rules and regulations. The fact that plaintiffs seek to enjoin commercial property owners in their use of their properties does not make this a commercial matter.

In regard to counsel's request to nullify assignment to a Judge and for suspension of Justice James' briefing schedule, I refer counsel's letter to Justice James to make a determination whether assignment of this action was proper.

For the reason stated above, counsel's request for assignment to the Commercial Division is denied, and the case will remain in I.A.S. Part 59 (James, J.).

Dated: August 14, 2015

ENTER:  , A.J.

HON. PETER H. MOULTON
J.S.C.