

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

PRESENT: Hon. Sherry Klein Heitler  
Administrative Order

---

In the Matter Of An Article 77 Proceeding

ORLY GENGER, as beneficiary of the Orly  
Genger 1993 Trust,

Petitioner,

- v -

INDEX NO. 161812/2013

PEDOWITZ & MEISTER LLP, et al.,

Respondents.

---

Administrative Order:

By letter dated January 24, 2014, counsel for respondent TPR Investment Associates, Inc. requests assignment of this special proceeding to the Commercial Division. No opposition has been received to date.

On December 23, 2013, petitioner filed a Request for Judicial Intervention (RJI) in connection with this Article 77 petition seeking specific performance in disbursing an escrow account, as well as a claim for breach of fiduciary duty. The RJI marked this special proceeding related to Genger v. Genger, Index No. 651089/10 (the Genger Action), pending before Justice Jaffe. As a result, this special proceeding was assigned to Justice Jaffe.

Although this proceeding meets the standards for assignment to the Commercial Division, it was marked related to an action in a non-commercial part. Thus, Justice Jaffe must determine whether this proceeding is related to the Genger Action, as such determination belongs, in the first instance, to the assigned Justice (see Section I[B] of the "Summary of Courthouse Procedures"). If Justice Jaffe finds that the matters are not truly related, she may direct that this proceeding be randomly reassigned into the Commercial Division by issuing an order to that effect, attaching a copy of this Administrative Order.

Dated: January 30, 2014

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

Check one:  FINAL DISPOSITION  NON-FINAL DISPOSITION