

**Go N.Y. Tours Inc. v Motion Recruitment Partners
LLC**

2018 NY Slip Op 32963(U)

November 16, 2018

Supreme Court, New York County

Docket Number: 655367/2018

Judge: Debra A. James

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This opinion is uncorrected and not selected for official publication.

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

PRESENT: HON. DEBRA A, JAMES

PART

Justice

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INDEX NO. 655367/2018

GO NEW YORK TOURS INC.,

MOTION DATE 11/15/2018

Petitioner,

MOTION SEQ. NO. 001

- v -

MOTION RECRUITMENT PARTNERS LLC,

Respondent.

DECISION AND ORDER

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ORDER

Upon the foregoing documents, it is

ORDERED that the show cause order of petitioner to change the venue of Motion Recruitment Partners, LLC v Go New York Tours, Inc., Suffolk County, Index No. 617710/2018 is granted, and venue is changed from the Supreme Court, County of Suffolk, to this Court; and it is further

ORDERED that, within 30 days from entry of this order, counsel for the movant shall serve a certified copy of this order on the Clerk of the Supreme Court, Suffolk County, shall pay the appropriate transfer fee, if any, and shall contact the staff of such Clerk and cooperate in arranging the transfer of the file; and it is further

ORDERED that the Clerk of the Supreme Court, Suffolk County shall transfer to the Clerk of the Supreme Court, New York County the file in such action venued in that court; and it is further

ORDERED that service upon the Clerk of the Supreme Court, Suffolk County shall be made in accordance with any applicable protocol or other procedures of such county; and it is further

ORDERED that the Clerk of the Supreme Court, Suffolk County and the Clerk of this Court shall coordinate the transfer of the documents being removed to this court to ensure an efficient transfer and to minimize insofar as is practical the reproduction of documents, including regarding any documents that may be in digital format; and it is further

ORDERED that, within 30 days from entry of this order, counsel for the movant shall serve a copy of this order with notice of entry on the Clerk of this Court (60 Centre Street, Room 141B); and it is further

ORDERED that the Clerk of this Court, upon service of a copy of this order with notice of entry and the transfer of the file to this court, shall, without a further fee, assign a New York County Index Number to the transferred action and record such action in the Clerk's records; and it is further

ORDERED that, as applicable and insofar as is practical, the Clerk of this Court shall file the documents transferred pursuant to this order under the New York County Index Number of the transferred action in the New York State Courts Electronic Filing System or make appropriate notations of such documents in the e-filing records of the court so as to ensure access to the

documents; and it is further

ORDERED that, within 30 days from entry of this order, counsel for the movant shall serve a copy of this order with notice of entry upon the Clerk of the General Clerk's Office (60 Centre Street, Room 119), together with a Request for Judicial Intervention ("RJI") for the transferred action or, if an RJI was filed in the action while pending in Supreme Court, Suffolk County, a copy of that RJI (in which event, no additional fee shall be charged therefor); and it is further

ORDERED that, upon the service of such documents, the Clerk of the General Clerk's Office shall mark the court's records to reflect the transfer and assign the transferred action to the undersigned Justice of this court; and it is further

ORDERED that service upon the Clerk of this Court and the Clerk of the General Clerk's Office shall be made in hard-copy form if the application herein has been made in hard-copy format or, if the application has been electronically filed, shall be made in accordance with the procedures set forth in the *Protocol on Courthouse and County Clerk Procedures for Electronically Filed Cases* (accessible at the "E-Filing" page on this court's website at the address www.nycourts.gov/supctmanh); and it is further

ORDERED that movant shall answer the complaint or otherwise move within five days of service of the RJI; and it is further

ORDERED that counsel are directed to appear for a preliminary

conference in the transferred action in Room 331, 60 Centre Street, New York, New York, on February 5, 2018, at 9:30 AM.

DECISION

Respondent at bar (plaintiff in Motion Recruitment Partners LLC v Go New York Tours, Inc., Suffolk County Index No. 617710/2018 [Motion Recruitment]) referenced no basis for venue in its Motion Recruitment summons and complaint. Given such subterfuge, the court grants petitioner's motion notwithstanding the failure of petitioner (Motion Recruitment defendant) to timely demand such change, which delay was very brief.

11/16/2018
DATE

[Handwritten Signature]

CHECK ONE:

CASE DISPOSED
GRANTED DENIED
SETTLE ORDER
INCLUDES TRANSFER/REASSIGN

NON-FINAL DISPOSITION
GRANTED IN PART
SUBMIT ORDER
FIDUCIARY APPOINTMENT

OTHER
REFERENCE

APPLICATION:

CHECK IF APPROPRIATE: