

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

PRESENT: Hon. Peter H. Moulton
Administrative Order

FIXED INCOME SHARES: SERIES M, et al.,

Plaintiffs,

- v -

INDEX NO. 653891/15

CITIBANK N.A.,

Defendants.

Administrative Order:

By letters dated November 25, 2015 and December 1, 2015, counsel for defendant Citibank, N.A. requests that this action be assigned to Commercial Division Justice Charles Ramos as related to BlackRock Balanced Capital Portfolio (FI), et al. v. Citibank, N.A., Index No. 651868/14 (the BlackRock Action). Citibank, N.A. argues that such an assignment is appropriate, because the present action is substantially the same case as the BlackRock Action, which was voluntarily dismissed and re-filed in federal court shortly after Justice Ramos was assigned to handle the matter. Per letter dated December 1, 2015, plaintiffs' counsel does not explicitly oppose the request, but will "defer to the Court to determine the appropriate judicial assignment."

There is no doubt that this present action, in which investors bring claims against Citibank, N.A., the trustee of 25 private-label RMBS trusts securitized between 2004 and 2007, alleging that the trustee breached certain contractual, fiduciary and statutory duties, is merely a re-filing of the same claims that were made in the BlackRock Action (see Cmplt., p. 1, n. 1). Accordingly, there is no question that the case qualifies for assignment to the Commercial Division and it is appropriate that the action be re-assigned back to Justice Ramos.

The General Clerk's Office is directed to reassign this case to Commercial Division Part 53 (Ramos, J.).

Dated: January 19, 2016

ENTER: , A.J.

Check one: FINAL DISPOSITION NON-FINAL DISPOSITION