

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

PRESENT: Hon. Peter H. Moulton
Administrative Order

HUMAN NATURE LAS VEGAS INC.,
Individually and derivatively on behalf of H.N.
ENTERTAINMENT US LLC,

Plaintiff,

- v -

INDEX NO. 653611/15

SCOTT GILDEA, GILDEA & IVANIS LLP and
DANIEL CHOUKEA,

Defendants,

H.N. ENTERTAINMENT US LLC,

Nominal Defendant.

Administrative Order:

By letter dated March 16, 2016, plaintiff's counsel requests that this action be transferred from I.A.S. Part 14 (Rakower, J.) to the Commercial Division pursuant to Uniform Rule 202.70 (e). In his letter, counsel states that defendants Scott Gildea and Gildea & Ivanis LLP join in this request, and that defendant Daniel Choueka has not appeared and is in default.

The complaint in this action was filed on October 30, 2015. Plaintiff's counsel filed the Request For Judicial Intervention (RJI) with a Commercial Division Addendum on March 16, 2016. As the RJI and required Commercial Division Addendum were not filed within 90 days of the service of the complaint, as required by Uniform Rule 202.70 (d), and counsel has not shown good cause for delay, this request is denied. Counsel asserts that the parties were engaging in settlement talks and did not see a reason to invoke judicial intervention. However, Uniform Rule 202.70 (d) was amended to add a 90-day time limit to facilitate the settlement process by involving a judge up front to assist the parties in working out their dispute and/or giving the parties access to the Commercial Division mediation program.

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

Dated: March __, 2016

ENTER:  , A.J.