

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

PRESENT: Hon. Peter H. Moulton
Administrative Order

STEVE J. ROSENBERG, et al.,

Plaintiffs,

- v -

INDEX NO. 654071/2015

ICED MEDIA LTD., et al.,

Defendants.

Administrative Order:

By letter dated February 8, 2016, counsel for defendants Iced Media, Ltd., Leslie Hall and Reggie Miller requests assignment of this action to the Commercial Division pursuant to Uniform Rule 202.70 (e). To date, the court has not received any response to this request.

A Request for Judicial Intervention (RJI) was e-filed on January 12, 2016 by plaintiffs' counsel. The RJI designated the case as a commercial matter, but plaintiffs' counsel did not file the required Commercial Division Addendum. Thus, the case was assigned to a non-commercial part.

Uniform Rule 202.70 (e) places a 10-day time limit on these applications, measured from the receipt of a copy of the Request For Judicial Intervention (RJI), and the time limit is strictly construed. When an action is e-filed, the New York State Court Electronic Filing System (the NYSCEF) automatically transmits electronic notice to all e-mail addresses in such action, and the electronic transmission of the notification constitutes as service of the document on the e-mail addresses (see Uniform Rule 202.5 [f] [2] [ii]). Further, the RJI specifically states the long standing rule that “[f]or Commercial Division assignment requests [22 NYCRR § 202.70(D)], complete and attach the COMMERCIAL DIV RJI Addendum.” Therefore, upon receipt of the RJI in January via the NYSCEF, defense counsel should have known that a Commercial Division Addendum was required for assignment to the Commercial Division and that no such Addendum was filed in this matter. Therefore, this application is denied as untimely.

Dated: February 17, 2016

ENTER:  _____, A.J.