

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

PRESENT: Hon. Peter H. Moulton
Administrative Order

UNITED NATIONAL INSURANCE COMPANY,

Plaintiff,

- v -

INDEX NO. 652639/15

TRAVELERS PROPERTY CASUALTY COMPANY
OF AMERICA, ZURICH-AMERICAN INSURANCE
COMPANY, and NATIONAL UNION FIRE
INSURANCE COMPANY OF PITTSBURGH, PA,

Defendants.

Administrative Order:

By letter dated March 29, 2016, plaintiff's counsel requests that this action be assigned to the Commercial Division pursuant to Uniform Rule 202.70 (e). To date, the court has not received any response to this request.

The complaint in this action was filed on July 28, 2015, and service was effected on or before August 8, 2015. The Request For Judicial Intervention (RJI) was not filed until March 28, 2016, well beyond the 90-day limit for requesting assignment to the Commercial Division pursuant to Uniform Rule 202.70 (d). No good cause for the delay is offered. In addition, while counsel contends that this action meets the standards for assignment to the Commercial Division under Uniform Rule 202.70 (b) (10) (i.e., commercial insurance coverage), this action seeks to recoup some or all of plaintiff's defense and indemnity costs incurred in an underlying personal injury lawsuit, and is thus excluded from the Commercial Division by virtue of Uniform Rule 202.70 (c) (2).

For these reasons, the plaintiff's request for assignment of this action to the Commercial Division is denied.

Dated: April 4, 2016

ENTER:  , A.J.

HON. PETER H. MOULTON
SUPREME COURT JUSTICE

Check one: FINAL DISPOSITION

NON-FINAL DISPOSITION