

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

PRESENT: Hon. Deborah A. Kaplan, Administrative Judge
Administrative Order

WEC 98C-6 LLC,

Plaintiff,

- v -

INDEX NO. 652243/2018

SAKS INCORPORATED,

Defendant.

Administrative Order:

By letters dated July 26 and 31, 2018, plaintiff's counsel requests assignment of this action to the Commercial Division pursuant to Commercial Division Rule 202.70 (e). Defendant's counsel opposes the request by his letter dated July 30, 2018.

The Commercial Division Rules provide that if the party that filed the Request for Judicial Intervention (RJI) did not request assignment to the Commercial Division by designating the case as commercial and filing a Commercial Division Addendum, any other party may apply by letter application for a transfer no later than 10 days from that party's receipt of the RJI (see Commercial Division Rule 202.70 [d] and [e]). The RJI was filed without the requisite addendum on June 14, 2018, over six weeks ago, and no excuse for the delay has been offered. In addition, this action seeks to enforce a guaranty for the payment of rent for commercial space and, thus, is excluded from the Commercial Division pursuant to Commercial Division Rule 202.70 (c) (3) ("commercial real estate disputes involving the payment of rent only").

For these reasons, the plaintiff's request for a transfer to the Commercial Division is denied.

Hon. Deborah A. Kaplan
Administrative Judge
Supreme Court, New York County
Civil Branch

Dated: August 1, 2018

ENTER: Deborah A. Kaplan, A.J.

Check one: FINAL DISPOSITION

NON-FINAL DISPOSITION