

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

PRESENT: HON. DEBORAH A. KAPLAN
Administrative Judge

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TRAIN, BABCOCK ADVISERS LLC,

INDEX NO. 154523/2019

Plaintiff,

- v -

JOHN ROGICKI, ROBERT GAUGHRAN, and KEVIN
CLUNE

**ADMINISTRATIVE
ORDER**

Defendant.

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By letter and affirmation both dated July 17, 2019, Robert S. Friedman, Esq., counsel for defendant Kevin Clune, requests that this action be assigned to the Commercial Division pursuant to Uniform Rule 202.70. None of the parties have responded to this request. As set forth in Mr. Friedman's papers:

On February 11, 2019, Plaintiff Train, Babcock Advisors, LLC ("Plaintiff") filed its Summons and Complaint in this matter. The Complaint seeks damages in excess of ten million dollars (\$10,000,000)

Defendant Kevin Clune was served with the Summons and Complaint on May 21, 2019, and on July 8, 2019, Co-Defendant Robert Gaughran filed a Request for Judicial Intervention that did not request assignment to the Commercial Division. Accordingly, this request is timely pursuant to Uniform Civil Rule 202.70(e).

Upon review, the court agrees that this application is proper and timely and that the action falls within the standards for assignment of cases to the Commercial Division (see, Uniform Rule 202.70[a]). Accordingly, the request is granted and the General Clerk's office is directed to randomly reassign this action to a Justice of the Commercial Division.

DATE: *July 30, 2019*



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