



STATE OF NEW YORK
UNIFIED COURT SYSTEM
FIRST JUDICIAL DISTRICT
SUPREME COURT, CIVIL BRANCH
60 CENTRE STREET
NEW YORK, NY 10007-1474
(646) 386-3211
FAX (212) 227-2919

ANN T. PFAU
Chief Administrative Judge

FERN A. FISHER
Deputy Chief Administrative Judge
New York City Courts

SHERRY KLEIN HEITLER
Administrative Judge for Civil Matters
First Judicial District

ADMINISTRATIVE ORDER

Sixteen special proceedings have recently been filed in this court and randomly assigned to 12 Justices. The respondents in these matters, who are represented by the Corporation Counsel of the City of New York, are Suzanne A. Beddoe, Chief Administrative Law Judge of the New York City Environmental Control Board ("ECB"), the New York City Office of Administrative Trials and Hearings, and Helaine Balsam, Legal Director of ECB. The petitioners in all of these matters seek to challenge a rule recently promulgated by the ECB and set forth in Title 48 of the Rules of the City of New York § 3-82. This rule pertains to procedures of the ECB regarding requests for a new hearing after a respondent has failed to appear for a hearing before the ECB. All petitioners assert that the rule is arbitrary and capricious and should be stricken and base these assertions on the same legal arguments.

The Corporation Counsel has applied to the undersigned to have these matters assigned to a single Justice as related cases. All petitioners are represented by the same counsel, Robert Hochman, Esq. of Cohen, Hochman and Allen, who has consented to this application.

Since these matters involve the same respondents and present the same issues and the same legal arguments, it would be in the interests of efficiency for the parties and the court, judicial economy, and the avoidance of inconsistent rulings if all of these matters were to be assigned to a single Justice. Therefore, pursuant to the authority vested in me as Administrative Judge, I hereby direct the relevant back offices to assign to the Honorable Judith J. Gische (Part 10) all the matters described above and identified on the attached sheet that have not previously been assigned to Justice Gische at random.

Furthermore, it appears that additional matters may be commenced hereafter by counsel for petitioners, Mr. Hochman, in the Supreme Court, Civil Branch, New York County involving the same respondents and challenging the same rule. I hereby direct that the back offices assign any such special proceeding that may be commenced hereafter to Justice Gische. A copy of this Administrative Order shall be attached to the Request for Judicial Intervention ("RJI") by the attorney filing any such case in this court. The filing attorney shall note in the "Related Cases" area of the RJI that related cases are pending in this court.

Dated: November 18, 2010


Hon. Sherry Klein Heitler
Administrative Judge

**PENDING ENVIRONMENTAL CONTROL BOARD NEW HEARING RULE
CASES**

113209/2010 El Ad Usi, LLC
113210/2010 Moulin & Associates
113211/2010 Parkash 1718, LLC
113212/2010 Felmus
113213/2010 Parkash 2487 LLC
113214/2010 Gladys
113215/2010 Palazzdo Realty
113216/2010 Patshar Inc.
113513/2010 MPA Holding LLC
113725/2010 Hunter Atlantic
113726/2010 Plan B Engineering
113727/2010 Euro Excavation
113728/2010 2102 Utica
114193/2010 Vincen
114194/2010 522-534 Realty LLC
114195/2010 All Area Property