

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

**PRESENT: Hon. Jacqueline Silbermann
Administrative Order**

CACO & SON REALTY CORP.,

Plaintiff,

- v -

INDEX NO. 601413/07

PETAR VUKSANOVIC,

Defendant.

Administrative Order:

By letter dated December 31, 2007, newly-retained counsel for the defendant, Petar Vuksanovic, requests that this action, together with a related special proceeding entitled Matter of Petar Vuksanovic, Index No. 602799/07, be transferred to the Commercial Division pursuant to Uniform Rule 202.70(e).

This action was commenced back in April of 2007. Plaintiff filed a Request for Judicial Intervention (RJI) on May 1, 2007 in connection with a motion for preliminary injunctive relief. The case was marked "Other: Accounting and Preliminary Injunction," and assigned to a non-commercial judge, the Hon. Saralee Evans, who issued an Interim Order in connection with that motion back in June of 2007.

Uniform Rule 202.70(e) places a 10-day time limit on these applications, measured from the receipt of a copy of the RJI. The withdrawal of defendant's original attorney is not a sufficient reason to justify transfer of this case into the Commercial Division, particularly in light of Justice Evans' substantive involvement in the dispute and the fact that Justice Evans granted his former attorney's motion to withdraw on October 30, 2007 and only stayed the action for 30 days therefrom.

Accordingly, for these reasons, the request to transfer this action into the Commercial Division is denied as untimely.

Dated: January 7, 2008

ENTER: _____, A.J.

Check one: FINAL DISPOSITION

NON-FINAL DISPOSITION