

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

PRESENT: Hon. Sherry Klein Heitler
Administrative Order

ALEXANDER GLIKLAD,

Petitioner,

INDEX NO. 155195/14

-v-

BANK HAPOALIM B.M.,

Respondent.

Administrative Order:

By letters dated June 4 and 12, 2014, counsel for the petitioner Alexander Gliklad (Gliklad) requests that this proceeding be transferred from Part 16 (Schlesinger, J.) to the Hon. Melvin L. Schweitzer of the Commercial Division as related to Alexander Gliklad v Michael Cherney, Index No. 602335/09 (the Note action). By letter dated June 4, 2014, counsel for Bank Hapoalim, B.M. (the Bank) objects to a transfer.

On April 11, 2014, Justice Schweitzer granted summary judgment to Gliklad in the Note action, and, on April 15, 2014, the Clerk entered judgment in favor of Gliklad against Michael Cherney (Cherney) in the amount of \$505,093,442.18. This new proceeding is brought by Gliklad pursuant to CPLR Article 52. Gliklad seeks to compel the Bank to produce documents relating to Cherney, and to turn over any funds belonging to Cherney that the Bank may have in its possession or custody. As such, this special proceeding does not qualify for assignment to the Commercial Division. See Uniform Rule 202.70 (c) (4) ("proceedings to enforce a judgment regardless of the nature of the underlying case" will not be heard in the Commercial Division). Gliklad's counsel argues that this turnover proceeding, and others that have been brought (see e.g. Alexander Gliklad v Michael Chernoi a/k/a Michael Cherney and Erip LLC, et al., Index No. 15518/14 [the Erip proceeding]) and may be brought in the future, should nevertheless be assigned to Justice Schweitzer as related to the Note action.

Although the Note action has been marked disposed, contested issues remain. Indeed, post-judgment motions have been made therein raising questions about the calculation of pre-judgment interest and enforcement of the Judgment. The Note action was obviously an extraordinarily complicated one, with over 1000

items on the NYSCEF docket and with a judgment valued at over \$500 million dollars. The enforcement proceedings will, no doubt, raise questions of more than ordinary complexity, such as in regard to jurisdiction over foreign banks and assets held overseas. Although 202.70 (c) (4) exists, the context of these enforcement proceedings is certainly nothing if not commercial. It may be that familiarity with the issues in the underlying Note action can assist in the court more effectively addressing these proceedings rather than sending them to a new Justice wholly unfamiliar with the dispute. In addition, Justice Edmead has already found that the Erip proceeding is related to the Note action.

Therefore, in the interest of judicial economy and due to the unique circumstances presented herein, Gliklad's application to transfer this turnover proceeding to the Hon. Melvin L. Schweitzer of the Commercial Division is granted, and the General Clerk's Office is so directed. The petition is currently returnable in Rm. 130 on July 3, 2014.

If any new post-judgment enforcement proceedings regarding the Judgment shall be commenced, the party filing the Request for Judicial Intervention shall mark the matter as related to the Note action and attach a copy of this Administrative Order, so that all such proceedings shall be handled by the same Justice.

Dated: June 16, 2014

ENTER: _____, A.J.

A handwritten signature in black ink, appearing to read "Sheryl K. H. [unclear]", written over a horizontal line. The signature is cursive and somewhat stylized.

Check one: FINAL DISPOSITION NON-FINAL DISPOSITION