

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

PRESENT: Hon. Sherry Klein Heitler
Administrative Order

MORFOGEN MANAGEMENT LLC and STRATIS
MORFOGEN,

Plaintiffs,

- v -

INDEX NO. 650343/14

DAVE 60 NYC INC., MERCHANTS HOSPITALITY
INC., RICHARD COHN, ABRAHAM MERCHANT,
STEVEN BOXER, THE STEVEN BOXER 2013
IRREVOCABLE TRUST fbo LAUREN BOXER,
STEVEN KANTOR, THE STEVEN L. KANTOR TRUST
F/B/O CHILDREN, PHILIPPE CHOW a/k/a
CHAK YAMM CHAU and JOSEPH GOLDSMITH,

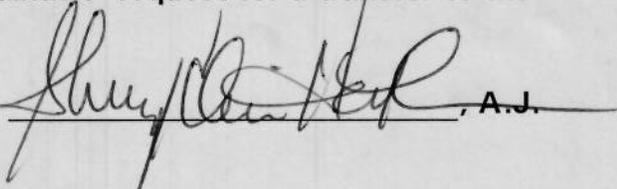
Defendants.

Administrative Order:

By letter dated June 10, 2014, plaintiffs' counsel seeks to transfer this action from I.A.S. Part 37 (Engoron, J.) to the Commercial Division.

Not only is this request untimely (see Uniform Rule 202.70 [e]), it is the second request for assignment of this action to the Commercial Division. Defendants made such a request back in February, a request that plaintiffs opposed. Although there is no question that the case meets the standards for assignment to the Commercial Division, defendants' request was denied by my Administrative Order dated February 19, 2014 on the ground of judicial economy. As noted therein, Justice Engoron had already spent a significant amount of time on this matter in connection with plaintiffs' application for a preliminary injunction and temporary restraining order (TRO) and plaintiffs' claim that the defendants had violated the TRO. On April 10, 2014, Justice Engoron issued a decision and order denying plaintiffs' requests for preliminary injunctive relief and an order of contempt. In his order, Justice Engoron noted that he had spent many hours pouring over the parties' voluminous submissions to resolve the motions. Accordingly, the court's policy of judicial economy is even more served by keeping the matter with Justice Engoron, and plaintiffs' request for a transfer to the Commercial Division is denied.

Dated: June 11, 2014

ENTER:  A.J.

Check one: FINAL DISPOSITION NON-FINAL DISPOSITION