



STATE OF NEW YORK  
**UNIFIED COURT SYSTEM**  
**FIRST JUDICIAL DISTRICT**  
**SUPREME COURT, CIVIL BRANCH**  
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**ANN T. PFAU**  
Chief Administrative Judge

**JOAN B. CAREY**  
Deputy Chief Administrative Judge  
New York City Courts

**JACQUELINE W. SILBERMANN**  
Administrative Judge  
First Judicial District  
Supreme Court, Civil Branch

## **ADMINISTRATIVE ORDER**

By letter dated July 8, 2008, counsel for East 51<sup>st</sup> Street Development Corporation, LLC submitted to the undersigned a request for reconsideration of a portion of my Administrative Order of July 1, 2008. That Order addressed the assignment of tort actions arising out of a crane accident that took place on March 15, 2008 and two actions commenced by Reliance Construction Group, a lien foreclosure action and an action seeking to recover on guarantees allegedly made by persons with a financial interest in the project under construction. The application requests that I reassign the two Reliance actions, which under the Order are at present assigned to Honorable Carol Edmead, to Honorable Karen S. Smith, to whom the tort actions were assigned, on the ground that common issues of law and fact exist that make such an assignment advisable. Letters in response to the application were submitted by counsel for other parties and a further letter was submitted by counsel for East 51<sup>st</sup> Street.

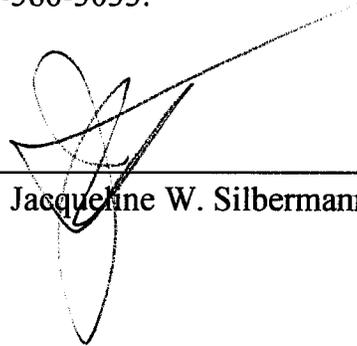
As counsel are aware, the application concerns only the question of administrative assignment of cases. A motion has been made for consolidation of the tort and Reliance actions under Article 6 of the Civil Practice Law and Rules. That motion has now been submitted and is pending before Justice Smith. Consolidation is a matter to be resolved by her, not by the Administrative Judge.

I have reviewed all of the submissions that have been made. The two Reliance actions do not involve claims for the recovery of damages for wrongful death, personal injury, or injury to property premised on theories of tortious conduct relating to the crane. Should a particular request for discovery in the tort cases have some bearing upon a defense presented by East 51<sup>st</sup> Street in the Reliance cases, I am confident that the Justices and the parties can deal with it in an efficient and fair manner. I conclude that my previous Administrative Order should not be changed.

The pending tort cases and other such cases as may hereafter be filed present a situation in which electronic filing would be beneficial to the parties. Counsel are advised

to contact the Statewide Coordinator of Electronic Filing, Mr. Jeffrey Carucci, whose office is located in our court and who can be reached at 646-386-3033.

Dated: August 6, 2008



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Hon. Jacqueline W. Silbermann