

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

PRESENT: Hon. Jacqueline Silbermann  
Administrative Order

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CHRISTINA SASSI-LEHNER & GABRIELLA  
SASSI-HILL,

Plaintiffs,

- v -

INDEX NO. 119170/2006

CHARLTON TENANTS CORP. and  
ANDREA BUNIS MANAGEMENT, INC.,

Defendants.

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Administrative Order:

By letter dated January 8, 2007, counsel for plaintiffs submits a belated application for assignment of this case to the Commercial Division.

The time to submit such an application, as set forth in Uniform Rule 202.70(d), is with the Request For Judicial Intervention (RJI). Plaintiffs filed an RJI in this matter on December 28, 2006 in connection with plaintiffs' motion for a preliminary injunction. The case was designated as both "Commercial-Corporate" and "Real Property-Other" on the RJI, despite the form's direction to check only one box. In addition, plaintiffs' counsel failed to submit a "brief signed statement justifying the Commercial Division designation" (Uniform Rule 202.70[d][2]). Accordingly, the clerk's office properly assigned this case to a non-commercial part, General I.A.S. Part 19 (Lehner, J.) on December 28th. On January 2, 2007, Justice Lehner issued an order denying the motion.

Counsel's letter fails to offer an excuse for his failure to follow the rule in the first place, and it would be unseemly to transfer this case at this juncture, after Justice Lehner has made a substantive ruling in the case. In addition, the request exceeds the 10-day time limit. See Uniform Rule 202.70(f)(2).

For these reasons, transfer to the Commercial Division is denied.

Dated: January 16, 2007

ENTER: \_\_\_\_\_, A.J.

Check one:  FINAL DISPOSITION

NON-FINAL DISPOSITION