

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

PRESENT: Hon. Peter H. Moulton  
Administrative Order

MMA MEADOWS AT GREEN TREE, LLC, and  
BFIM SPECIAL LIMITED PARTNER, INC.,  
Derivatively on Behalf of MCAP ROBESON  
APARTMENTS L.P., and MMA MEADOWS AT  
GREEN TREE, LLC in its Individual Capacity,

Plaintiffs,

- v -

INDEX NO. 653943/13

MILLRUN APARTMENTS, LLC, MUNICIPAL  
CAPITAL APPRECIATION PARTNERS II, L.P.,  
MUNICIPAL CAPITAL APPRECIATION  
PARTNERS III, L.P., RICHARD G. COREY,  
and MCAP II DEVELOPER LLC,

Defendants,

-and-

MCAP ROBESON APARTMENTS L.P.,

Nominal Party.

Administrative Order:

By letter March 26, 2015, counsel for defendants Millrun Apartments, LLC, Municipal Capital Appreciation Partners II, L.P., Richard G. Corey, and MCAP II Developer LLC (the MCAP II Defendants) requests that this action (the Meadows Action) be reassigned from the Hon. Shirley Kornreich (Part 54) to the Hon. Eileen Bransten (Part 3) on the ground that it is related to MCAP Robeson Apartments Limited Partnership and Municipal Capital Appreciation Partners II, L.P. v MuniMae TE Bond Subsidiary, LLC and MuniMae Portfolio Services, LLC., Index No. 652629/14 (the MuniMae Action). By letter dated March 27, 2015, plaintiffs' counsel opposes.

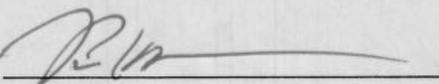
The MuniMae Action was re-assigned to Justice Bransten after Justice Kornreich recused herself by order dated February 3, 2015 on the ground that her

son-in-law is employed at Davis Polk & Warwell LLP, counsel for defendant MuniMae TE Bond Subsidiary, LLC n/k/a TE Bond Subsidiary, LLC (TE Bond) in that action. By letter dated April 2, 2015, I am advised that the law firm of ReedSmith LLP has been substituted as counsel for TE Bond ~~for~~ in the MuniMae Action in place of Davis Polk & Wardwell LLP.

The request by the MCAP II Defendants for reassignment of the Meadows Action is denied. On February 18, 2015, then Administrative Judge Sherry Klein Heitler correctly determined that Justice Kornreich should make the initial determination as to whether the Meadows action should be transferred to Part 3 as related to the MuniMae Action. By order dated February 19, 2015, Justice Kornreich declined to reassign the case and I am in firm agreement with her reasoning. In addition, the Meadows Action is substantially related to Walnut Housing Associates 2003 L.P., et al. v MCAP Walnut Housing LLC, et al., Index No. 653945/13, also pending before Justice Kornreich, as she acknowledged in her memorandum decision and order dated November 26, 2014 in the Meadows Action, at footnote 1.

In addition, I am forwarding a copy of this Administrative Order, together with the underlying correspondence, to Justice Bransten, who may wish to discuss with Justice Kornreich the reassignment of the MuniMae Action back to Part 54 in view of the recent withdrawal of Davis Polk & Wardwell LLP from that action.

Dated: April 6, 2015

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

Check one:  FINAL DISPOSITION  NON-FINAL DISPOSITION