

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

PRESENT: Hon. Peter H. Moulton
Administrative Order

JFD SALES CONSULTING SERVICES CORP.,

Plaintiff,

- v -

INDEX NO. 150409/15

FIDELITY AND DEPOSIT COMPANY OF
MARYLAND, et al.,

Defendants.

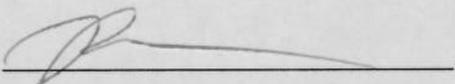
Administrative Order:

By letter dated April 22, 2015, counsel for defendants Fidelity and Deposit Company of Maryland and Skanska USA Building Inc. (Moving Defendants) requests that this action be transferred from I.A.S. Part 43 (Reed, J.) to the Commercial Division pursuant to Uniform Rule 202.70 (e). There is no response to the request.

On March 25, 2015, Moving Defendants filed a Request For Judicial Intervention (RJI) and Commercial Division Addendum, in connection with their motion to dismiss. Assignment to the Commercial Division was properly denied as the amount in controversy did not meet the \$500,000 monetary threshold for New York County. On April 6, 2015, plaintiff amended its complaint, now seeking to recover approximately \$1.4 million in damages, and Moving Defendants contend that assignment is now proper based on the amendment.

Uniform Rule 202.70 (e) places a 10-day time limit on these applications, measured from the receipt of a copy of the RJI or notification that a case was not assigned to the Commercial Division, and the time limit is strictly construed to conserve judicial economy. The filing of an amended pleading does not justify a departure from the strict time limits of Uniform Rule 202.70 (e). For these reasons, the request to transfer this proceeding into the Commercial Division is denied.

Dated: April __, 2015

ENTER:  , A.J.

Check one: FINAL DISPOSITION

NON-FINAL DISPOSITION

HON. PETER H. MOULTON
SUPREME COURT JUSTICE