

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

PRESENT: Hon. Sherry Klein Heitler
Administrative Order

PAVARINI MCGOVERN, LLC,

Plaintiff,

- v -

INDEX NO. 109270/10

WATERSCAPE RESORT, LLC,

Defendants.

Administrative Order:

By letter dated November 7, 2011, counsel for 160 Broadway Concrete Corp. (160 Broadway) applies for a transfer of this action and seven related actions, Waterscape Resort, LLC v Pavarini McGovern, LLC, Index No. 652035/10 (Braun, J.); Waterscape Resort, LLC v. McGovern et al., Index No. 652123/10 (Braun, J.); 160 Broadway Concrete, Corp. v. Pavarini McGovern, LLC, et al., Index No. 652280/10 (unassigned); KSW Mechanical Services, Inc. v. Pavarini McGovern, LLC, et al., Index No. 652252/10 (Oing, J.); Parkview Plumbing & Heating Inc. v. Pavarini McGovern, LLC, et al., Index No. 652285/10 (Singh, J.); International Exterior Fabricators, LLC v. Pavarini McGovern, LLC, et al., Index No. 652369/10 (Singh, J.); and Five Star Electric Corp. v. Pavarini McGovern, LLC, Index No. 651351/11 (Singh, J.) (collectively, the Eight Related Actions) to Justice Jeffrey Oing in the Commercial Division. Pavarini McGovern opposes this request, and asks that the eight actions all be assigned to Justice Richard Braun. No other opposition has been received to date.

The procedural history of the filing and assignment of the Eight Related Actions, as well as the motions to consolidate the Eight Related Actions, are laid out in the November 7, 2011 letter from 160 Broadway's counsel and the November 9, 2011 letter from Pavarini McGovern's counsel, which are attached hereto. There is no doubt that the Eight Related Actions should all be assigned to Justice Richard Braun (I.A.S. Part 23), the Justice assigned to the first-filed action, Pavarini McGovern, LLC, v Waterscape, LLC, Index No. 109270/10, as related actions since they all arise out of the construction of a hotel and residential project on Broadway and 45th Street in Manhattan, and involve common questions of law and fact.

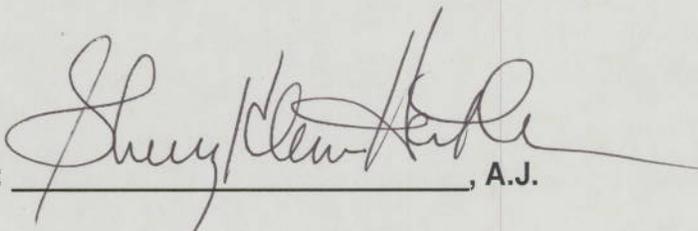
Accordingly, the Trial Support Office is directed to reassign the following actions to Justice Braun (I.A.S. Part 23):

- 160 Broadway Concrete, Corp. v. Pavarini McGovern, LLC, et al., Index No. 652280/10 (currently unassigned, but an RJI was filed in December 2010),
- KSW Mechanical Services, Inc. v. Pavarini McGovern, LLC, et al., Index No. 652252/10 (currently assigned to Commercial Division Part 48 [Oing, J.]),
- Parkview Plumbing & Heating Inc. v. Pavarini McGovern, LLC, et al., Index No. 652285/10 (currently assigned to I.A.S. Part 61 [Singh, J.]),
- International Exterior Fabricators, LLC v. Pavarini McGovern, LLC, et al., Index No. 652369/10 (currently assigned to I.A.S. Part 61 [Singh, J.]), and
- Five Star Electric Corp. v. Pavarini McGovern, LLC, Index No. 651351/11 (currently assigned to I.A.S. Part 61 [Singh, J.]

The three Orders issued by Justice Singh, dated October 12, 2011, purporting to consolidate the Eight Related Actions for joint discovery and trial shall stand.

Copies of this administrative order shall be filed in all Eight Related Actions.

Dated: November 17, 2011

ENTER: , A.J.

Check one: FINAL DISPOSITION NON-FINAL DISPOSITION