

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

PRESENT: Hon. Sherry Klein Heitler
Administrative Order

EMMET AUSTIN, individually and derivatively on behalf of: STONEMAR MM JACKSON, LLC, STONEMAR MANAGING MEMBER, LLC, STONEMAR MM WEST DES MOINES, LLC, STONEMAR MM JONESBORO, LLC, STONEMAR MM COOKEVILLE, LLC and STONEMAR MM MILFORD, LLC,

Plaintiffs,

- v -

INDEX NO. 653921/2013

JONATHAN GOULD, et al.,

Defendants.

Administrative Order:

By letter dated March 3, 2014, plaintiffs' counsel requests reassignment of this action to the Hon. O. Peter Sherwood on the ground that this action is related to Austin v. Gould, Index No. 651515/10, which was before Justice Sherwood (the First Action). To date, there is no opposition to this request.

Plaintiffs' counsel contends that, when marking the Request for Judicial Intervention (RJI), defendants' counsel should have listed the First Action as related to this action. However, even if defense counsel marked the First Action as related, the current action would not have been assigned to Justice Sherwood, because the First Action is listed as "disposed" in the Court's Civil Case Information System (see Section I [D] [2] of the "Supreme Court, Civil Branch New York County's Operations Manual"). Therefore, plaintiffs' request is denied.

Dated: March 10, 2014

ENTER: _____, A.J.



Check one: FINAL DISPOSITION NON-FINAL DISPOSITION