

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

PRESENT: Hon. Jacqueline Silbermann
Administrative Order

MADISON RESTAURANT ACQUISITION CORP.,
SUCCESSOR IN INTEREST TO 74TH STREET
RESTAURANT CORP.,

Plaintiff,

- v -

INDEX NO. 600783/08

THE VOLNEY RESIDENCES, INC., THE
BOARD OF MANAGERS OF THE HOTEL
VOLNEY CONDOMINIUM, FREDERICK
KRAMER III and RICK KRAMER
ARCHITECT, P.C.,

Defendants.

Administrative Order:

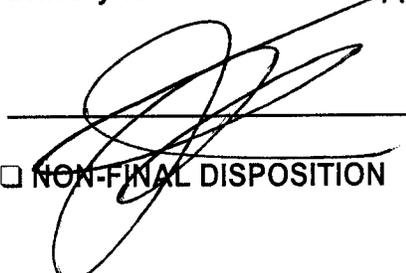
By letter dated July 10, 2008, counsel for the plaintiff requests a transfer of this action from the Commercial Division (Gammerman, J.) to a general I.A.S. part on the ground that it is not a commercial action.

The request is denied for the following reasons. First and foremost, the decision whether a case that has been initially assigned to the Commercial Division is made, in the first instance, by the assigned Commercial Division Judge. See Uniform Rule 202.70(e) and (f).

Second, even if review by the Administrative Judge was warranted at this juncture, counsel has failed to describe the action or provide a copy of the complaint, and thus I am without knowledge of what this case is about. The claim that the case is not "commercial" is particularly curious since plaintiff purchased a commercial index number when the case was filed on March 17, 2008.

Third, I note that counsel sent copies of this letter to his adversaries by regular mail on a Thursday, yet arranged for hand delivery to the court. The application would be denied on this ground alone.

Dated: July 15, 2008

ENTER:  _____, A.J.

Check one: FINAL DISPOSITION

NON-FINAL DISPOSITION