

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

PRESENT: Hon. Sherry Klein Heitler
Administrative Order

ALEXANDER GLIKLAD,

Petitioner,

INDEX NO. 155518/14

-v-

MICHAEL CHERNOI a/k/a MICHAEL CHERNEY
and ERIP LLC,

Respondents.

Administrative Order:

By letters dated June 11 and 13, 2014, counsel for the petitioner Alexander Gliklad (Gliklad) requests that this proceeding be transferred from Part 35 (Edmead, J.) to the Hon. Melvin L. Schweitzer of the Commercial Division as related to Alexander Gliklad v Michael Cherney, Index No. 602335/09 (the Note action). By letter dated June 13, 2014, counsel for Erip LLC objects to a transfer.

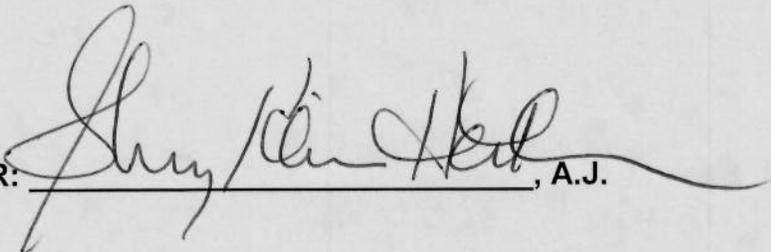
On April 11, 2014, Justice Schweitzer granted summary judgment to Gliklad in the Note action, and, on April 15, 2014, the Clerk entered judgment in favor of Gliklad against Michael Cherney (Cherney) in the amount of \$505,093,442.18. This new proceeding is brought by Gliklad pursuant to CPLR Article 52. Gliklad seeks to compel the turnover of Cherney's ownership interest in Erip LLC to satisfy the Judgment. As such, this special proceeding does not qualify for assignment to the Commercial Division. See Uniform Rule 202.70 (c) (4) ("proceedings to enforce a judgment regardless of the nature of the underlying case" will not be heard in the Commercial Division). Gliklad's counsel argues that this turnover proceeding, and others that have been brought (see e.g. Alexander Gliklad v Bank Hapoalim B.M., Index No. 155195/14) and may be brought in the future, should nevertheless be assigned to Justice Schweitzer as related to the Note action.

Although the Note action has been marked disposed, contested issues remain. Indeed, post-judgment motions have been made therein raising questions about the calculation of pre-judgment interest and enforcement of the Judgment. The Note action was obviously an extraordinarily complicated one, with over 1000 items on the NYSCEF docket and with a judgment valued at over \$500 million dollars. The enforcement proceedings will, no doubt, raise questions of more than

ordinary complexity. Although 202.70 (c) (4) exists, the context of these enforcement proceedings is certainly nothing if not commercial. It may be that familiarity with the issues in the underlying case can assist in the court more effectively addressing these proceedings rather than sending them to a new Justice wholly unfamiliar with the case. In addition, Justice Edmead has already found that this proceeding is related to the Note action.

Therefore, in the interest of judicial economy and due to the unique circumstances presented herein, Gliklad's application to transfer this turnover proceeding to the Hon. Melvin L. Schweitzer of the Commercial Division is granted, and the General Clerk's Office is so directed. The petition is currently returnable in Rm. 130 on June 20, 2014.

Dated: June 16, 2014

ENTER:  _____, A.J.

Check one: FINAL DISPOSITION NON-FINAL DISPOSITION