

308 A.D.2d 446, 764 N.Y.S.2d 204, 2003 N.Y. Slip Op. 16574  
(Cite as: 308 A.D.2d 446, 764 N.Y.S.2d 204)

**H**  
Supreme Court, Appellate Division, Second Department,  
New York.

In the Matter of CONGREGATION YETEV LEV  
D'SATMAR, INC., appellant,

v.

Jacob (Jeno) (Yaakov) KAHANA, et al., respon-  
dents. (Matter No. 1)

In the Matter of Board of Trustees and Officers of  
Congregation Yetev Lev D'Satmar, appellants,

v.

Jacob (Jeno) (Yaakov) Kahana, et al., respondents.  
(Matter No. 2)

Congregation Yetev Lev D'Satmar, Inc., appellant,  
Ludovick Weisz, et al., plaintiffs-respondents,

v.

26 Adar N.B. Corp., et al., defendants-respondents.  
(Matter No. 3)  
Sept. 8, 2003.

Pillsbury Winthrop, LLP, New York, N.Y. (E. Leo Milonas, David G. Keyko, and Daniel Z. Mollin of counsel), and Smith, Buss & Jacobs, LLP, New York, N.Y. (Jeffrey D. Buss of counsel), for appellants (one brief filed).

Herrick, Feinstein, LLP, New York, N.Y. (Scott E. Mollen and Grant R. Cornehlis of counsel), for Jacob (Jeno) (Yaakov) Kahana, Moses (Moshe) Friedman, Solomon Sander, Sol Wertheimer, Moses Zupnick, Leibish Jacobowitz, Benjamin Hirsch, Y.A. Moskowitz, A.M. Reich, N.A. Weinberger, Safra Spilman, Issac Weiss, S. Wertzberger, Israel S. Rosner, Chaim Gelbstein, Jacob Glick, Mayer Shnitzler, Yosef E. Shlesinger, Abish Weinberger, \*\*205 and Joseph Polochack, respondents in Matter Nos. 1 and 2.

Tenenbaum Dunbar Saltiel & Berger, LLP, Brooklyn, N.Y. (David M. Berger and Gerald J. Durbar of counsel), for plaintiffs-respondents in Matter No. 3.

\*446 In a proceeding pursuant to CPLR article 75 to compel arbitration of claims before a rabbinical court (Matter No. 1), a separate proceeding pursuant to N-PCL 618, inter alia, to determine the validity of the election of officers of Congregation Yetev Lev D'Satmar, Inc. (Matter No. 2), and an action pursuant

to RPAPL article 15 to compel the determination of a claim to real property (Matter No. 3), the petitioners in Matter Nos. 1 and 2, and Ludovick Weisz and Jacob Schonfeld, plaintiffs in Matter No. 3, appeal (1) from an order of the Supreme Court, Kings County (Jones, J.), dated January 9, 2002, which, sua sponte, transferred Matter Nos. 2 and 3 to Justice Melvin Barasch, before whom Matter No. 1 was pending, and (2), by permission of the Supreme Court, Kings County, from so much of an order of the Supreme Court, Kings County (Pesce, J.), dated February 6, 2002, as denied an application to vacate the order dated January 9, 2002, and directed that Matter Nos. 2 and 3 be transferred to Justice Barasch.

ORDERED that the appeal from the order dated January 9, 2002, is dismissed, as no appeal lies as of right from an order which does not decide a motion made on notice, and leave to appeal has not been granted (*see* CPLR 5701[a], [c]); and it is further,

ORDERED that the appeal from the order dated February 6, 2002, is dismissed; and it is further,

ORDERED that one bill of costs is awarded to the respondents appearing separately and filing separate briefs.

Contrary to the appellants' contention, Justice Pesce, the then Administrative Judge, did not order consolidation of the pending proceedings and action. Rather, he simply transferred two of the matters to Justice Barasch pursuant to his administrative\*447 authority so that all the related matters would be before a single Justice. His administrative decision is not subject to judicial review (*see* People v. Schneiderman, 295 A.D.2d 137, 743 N.Y.S.2d 437; Matter of Coastal Oil N.Y. v. Newton, 231 A.D.2d 55, 660 N.Y.S.2d 428; Schwartz v. Williams, 124 A.D.2d 798, 508 N.Y.S.2d 521).

Further, the appellants, who themselves, in effect, requested that the cases be heard together, albeit before a different Justice, are not aggrieved by the order (*see* CPLR 5511). A party does not have a "vested right to have his [or her] case tried before any particular judge, nor does he [or she] have the right to

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determine the manner in which his [or her] case is assigned to a judge" (Matter of Coastal Oil N.Y. v. Newton, *supra* at 57, 660 N.Y.S.2d 428; United States ex rel. Monty v. McQuillan, 385 F.Supp. 1308, 1310, *aff'd*, 516 F.2d 897; *see* People v. Schneiderman, *supra* at 138, 743 N.Y.S.2d 437).

ALTMAN, J.P., SMITH, MCGINITY and ADAMS,  
JJ., concur.

N.Y.A.D. 2 Dept. 2003.

Congregation Yetev Lev D'Satmar, Inc. v. Jacob  
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308 A.D.2d 446, 764 N.Y.S.2d 204, 2003 N.Y. Slip  
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