

**Rule 1073-1            ASSIGNMENT OF CASES AND PROCEEDINGS**

(a) *Cases.* Where the street address of the debtor set forth on the petition is in (i) New York County or Bronx County, the Clerk shall assign the case to a Judge sitting in New York County; (ii) Rockland County or Westchester County, the Clerk shall assign the case to a Judge sitting in Westchester County; or (iii) Dutchess County, Orange County, Putnam County, or Sullivan County, the Clerk shall assign the case to a Judge sitting in Dutchess County. No case assignment will be based upon a post office box address. Where more than one Judge is sitting in a county, cases, other than chapter 13 cases, shall be assigned by random selection so that each Judge shall be assigned approximately the same number of cases. The Judges may direct that chapter 13 cases be referred to the same Judge or Judges. The Clerk shall have no discretion in determining the Judge to whom any case is assigned; the action shall be solely ministerial.

(b) *Cases Involving Affiliates.* Cases involving debtors that are affiliates shall be assigned to the same Judge.

(c) *Proceedings.* Except as otherwise provided in the Bankruptcy Code or Bankruptcy Rules, the assignment of a case to a Judge includes the assignment of all proceedings arising under title 11 or arising in, or related to, a case under title 11.

(d) *Removed Actions.* A removed action that does not arise out of a case pending in this Court shall be deemed to have venue in the county in which the court from which it was removed is situated and be assigned to a Judge in the manner provided in subdivision (a) of this rule.

(e) *Adversary Proceedings or Contested Matters in Cases Pending Outside of this Court.* An adversary proceeding or contested matter that does not arise out of a case pending in this Court shall be designated by the Clerk to an office of the Clerk in New York County, Westchester County, or Dutchess County. In making the designation, the Clerk shall take into consideration the residence of the defendant, the convenience of litigants, counsel, and witnesses, and the place where the cause of action arose. Unless the Court orders otherwise, the county designated by the Clerk shall be the place of trial and all other proceedings. The designation shall be made at the time of commencement or transfer of the adversary proceeding or contested matter, and the Clerk shall give prompt notice thereof to the parties or their counsel. After the designation, the adversary proceeding or contested matter shall be assigned to a Judge in the manner provided in subdivision (a) of this rule. Objections, if any, to the designation shall be made, on notice to opposing counsel, before the Judge to whom the adversary proceeding or contested matter has been assigned.

(f) *Assignments and Reassignments.* The Chief Judge shall supervise and rule upon all assignments and reassignments of cases, adversary proceedings, contested matters, and actions.

**Comment**

This rule is derived from Former Local Bankruptcy Rule 5. This rule was amended in 2004 to eliminate the use of a post office box address as the basis for case assignment.