

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

PRESENT: Hon. JACQUELINE W. SILBERMANN
Administrative Judge

~~PART~~ _____

Justice

M.D. Sass Arresters Services, Inc., et al.

INDEX NO. 102698/2004

MOTION DATE _____

MOTION SEQ. NO. _____

MOTION CAL. NO. _____

J.B. Rubin & Co., et ano.

The following papers, numbered 1 to _____ were read on this motion to/for _____

Notice of Motion/ Order to Show Cause — Affidavits — Exhibits ...

Answering Affidavits — Exhibits _____

Replying Affidavits _____

PAPERS NUMBERED

Cross-Motion: Yes No

~~Upon the foregoing papers, it is ordered that this motion~~

This special proceeding seeks to confirm an arbitration award. The award in this matter is complex. The opinion portion of the award alone is 27 pages in length. The petitioners state that the hearings lasted for 50 hours and that more than ten witnesses testified. The subject matter of the arbitration was complicated and obviously commercial -- the valuation of a stake in an asset management business which has over \$ 1 billion dollars under investment. Judicial review of arbitration awards is, of course, limited. However, the *Guidelines for Assignment of Cases to the Commercial Division* recognize the possibility that a proceeding of this sort may, notwithstanding that limited scope of review, be assigned to the Commercial Division in some circumstances. See Paragraph E. The background of this award clearly indicates that the most efficient course would be to assign this matter to the Division. Respondents assert that they intend to challenge the award as irrational, among other grounds. It thus appears that respondents seek to bring before the Justice assigned issues of exceptional complexity. The award provides for a closing date of March 31, 2004, which is an additional consideration weighing in favor of an assignment to the Division.

Accordingly, the Clerk is hereby directed to assign this matter at random to a Justice of the Commercial Division.

Dated: 2/23/04

J.S.C.

Check one: FINAL DISPOSITION NON-FINAL DISPOSITION

JUSTICE REFERRED TO
DATED: J.S.C.