

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

**PRESENT: Hon. Jacqueline Silbermann
Administrative Order**

ELISSA ABREU,

Plaintiff,

- v -

INDEX NO. 603992/06

**SUSAN BARKIN AND ASSOCIATES INC. and
SUSAN BARKIN, Individually and as the
Principal of BARKIN AND ASSOCIATES, INC.,**

Defendants.

Administrative Order:

By letters dated July 30 and September 17, 2007, defendants request a transfer of this action from I.A.S. Part 57 (Marcy Friedman, J.) to the Commercial Division pursuant to Uniform Rule 202.70. Plaintiff has filed no objection to this request and it is timely pursuant to Uniform Rule 202.70(e).

Uniform Rule 202.70(b)(1) provides that actions in which the principal claims involve breach of contract, including employment agreements, or other torts arising out of business dealings, should be heard in the Commercial Division provided the \$100,000 monetary threshold is met or equitable or declaratory relief is sought. A review of the complaint reveals that in this action for breach of contract by a real estate broker seeking payment of allegedly unpaid brokerage commissions totaling over \$133,000 from the brokerage firm with which she was previously affiliated as well as damages in excess of \$750,000 for the alleged conversion of her personal property. Thus, defendants' request is granted since the requirements for assignment to the Commercial Division are clearly met.

The Motion Support Office is directed to reassign this case at random to a Justice of the Commercial Division.

Dated: September 21, 2007

ENTER: _____, A.J.

Check one: FINAL DISPOSITION

NON-FINAL DISPOSITION