

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

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

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**JAMES KENNELLY, derivatively on behalf of  
City Light Properties LLC and individually,**

**Plaintiff,**

**- v -**

**INDEX NO. 604223/2007**

**HEE NAM BAE, individually and as a  
member of City Lights Properties LLC, and  
MYUNG SOO BAE,**

**Defendants,**

**and**

**CITY LIGHTS PROPERTIES LLC,**

**Nominal Defendant.**

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**Administrative Order:**

By letter dated March 20, 2008, plaintiff requests a transfer of this action to the Commercial Division pursuant to Uniform Rule 202.70. Plaintiff includes a copy of the Request for Judicial Intervention (RJI), dated March 17, 2008, on which defendants marked the matter "Other Real Property." However, as of this date, the RJI has not yet been filed. Therefore, the case has not been assigned to a Justice, but based on the designation on the RJI, when assigned, it will be to a non-commercial part. Defendants have 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 or fiduciary duty 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. Further, Uniform Rule 202.70(b)(4) provides that shareholder derivative actions should be heard in the Commercial Division without consideration of the monetary threshold. A review of the complaint reveals that this is a derivative action brought by a shareholder of City Lights Properties LLC (the Company) on behalf of the Company to recover damages allegedly incurred by the Company as a result of breach of contract, fiduciary duty,

and fraud by the Company's other shareholder. Thus, plaintiff's request is granted since the requirements for assignment to the Commercial Division are met.

The Motion Support Office is directed to reassign this case at random to a Justice of the Commercial Division (According to the RJI, defendants' Motion to Dismiss is returnable on April 17, 2008).

Dated: March 26, 2008

ENTER: \_\_\_\_\_, A.J.

Check one:  FINAL DISPOSITION

NON-FINAL DISPOSITION