

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

PRESENT: Hon. Sherry Klein Heitler  
Administrative Order

THE COMMITTEE TO SAVE COOPER UNION, INC.,  
by its president and alumnus, ADRIAN JOVANOVIC,  
MICHAEL ESSL, TOBY CUMBERBATCH, ISABELLA  
PEZZULO, and CLAIRE KLEINMAN,

Petitioners,

- v -

INDEX NO. 155185/14

BOARD OF TRUSTEES OF THE COOPER UNION,  
et al.,

Respondents.

Administrative Order:

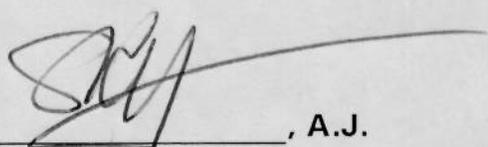
By letter dated June 23, 2014, respondents' counsel timely requests that this special proceeding be assigned to the Commercial Division. Petitioners oppose the request by their counsel's responsive letter dated June 24, 2014.

This special proceeding is brought pursuant to CPLR Article 77 ("Proceedings Relating to Express Trust") and involves a challenge to the April 2014 decision of the Board of Trustees of the Cooper Union to charge tuition to incoming students of Cooper Union beginning in the Fall of 2014. Petitioners' primary claims are for a declaratory judgment that the Cooper Union's Deed of Trust prevents the charging of tuition and an accounting.

This matter does not involve "business dealings" (see Uniform Rule 202.70 [b] [1]), but rather the alleged mismanagement and governance of a not-for-profit educational institution. Thus, it does not fall within the guidelines for assignment to the Commercial Division. See Deak v Feisel, Index No. 151092/13 (Admin. Order dated Mar. 15, 2013); James v The National Arts Club, Index No. 109945/11 (Admin. Order dated Nov. 4, 2011); National League For Nursing, Inc. v National League for Nursing Accrediting Commission, Inc., Index No. 651744/11 (Admin. Order dated Aug. 20, 2011); American Maritime Officers v Officers Defense Service, Index No. 150069/09 (Admin. Order dated Aug. 4, 2009).

For these reasons, respondents' request for assignment to the Commercial Division is denied.

Dated: June 25, 2014

ENTER: , A.J.

Check one:  FINAL DISPOSITION  NON-FINAL DISPOSITION