

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

PRESENT: Hon. Sherry Klein Heitler
Administrative Order

FLAT RIDGE 2 WIND ENERGY LLC,

Plaintiff,

- v -

INDEX NO. 650508/14

THOSE UNDERWRITERS AT LLOYD'S, LONDON
SUBSCRIBING TO CERTIFICATE NUMBER
WI114133901, et al.,

Defendant.

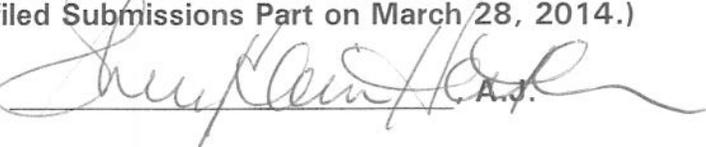
Administrative Order:

By letter dated March 14, 2014, plaintiff's counsel timely requests assignment of this action to the Commercial Division. Counsel for Lloyd's consents to the application.

In this action, plaintiff alleges that its wind generating farm located in Kansas was insured against damage by Lloyd's pursuant to "WindPro Insurance Certificate Number WI114133901." The complaint's first cause of action alleges that Lloyd's breached that agreement by its failure to pay over \$12.5 million in losses incurred when a tornado struck the insured's facility in May 2012. As such, the action meets the standards for assignment of cases to the Commercial Division under Uniform Rule 202.70(b)(1). Although Uniform Rule 202.70(c)(2) excludes actions seeking a declaratory judgment as to insurance coverage for property damage, I am assured by counsel that the principal relief sought in this case is a money judgment well in excess of \$500,000.

Accordingly, the parties' joint request for a transfer of this case to the Commercial Division is granted and the Motion Support Office is directed to reassign this case at random to a Justice of the Commercial Division. (A motion to dismiss is presently returnable in the E-filed Submissions Part on March 28, 2014.)

Dated: March 24, 2014

ENTER: 

Check one: FINAL DISPOSITION

NON-FINAL DISPOSITION