

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

PRESENT: Hon. Peter H. Moulton  
Administrative Order

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EXG 12W48LLC,

Plaintiff,

- v -

INDEX NO. 161340/15

ELRAC LLC,

Defendant.

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**Administrative Order:**

By letter dated November 17, 2015, counsel for the defendant requests that this action be transferred to the Commercial Division pursuant to Uniform Rule 202.70. There is no opposition to the request.

Uniform Rule 202.70 (b) (3) provides that transactions involving commercial real property, excluding actions for the payment of rent only, should be heard in the Commercial Division provided the \$500,000 monetary threshold for New York County is met or equitable or declaratory relief is sought. This action seeks a declaratory judgment to decide the proper methodology for determining the fair market value of a commercial rental property in midtown in order to fix the rent for the final term of the lease, an amount that is allegedly in excess of \$500,000. Since the allegations of the complaint meet the requirements for assignment to the Commercial Division, the request is granted.

The General Clerk's Office is directed to reassign this case at random to a Justice of the Commercial Division. (A request for a preliminary conference was filed on November 12, 2015.)

Dated: November 24, 2015

ENTER: , A.J.

Check one:  FINAL DISPOSITION  NON-FINAL DISPOSITION