

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

PRESENT: Hon. Peter H. Moulton
Administrative Order

EVERGREEN MANAGEMENT CO., LLC and
YOON DOOK KIM,

Plaintiffs,

vs.

INDEX NO. 654370/15

SUNG K. WOO a/k/a JOHN WOO, A WOO
CONCEPT, LLC, et al.,

Defendants.

Administrative Order:

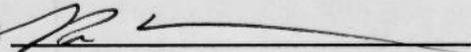
By letter dated June 17, 2016, counsel for defendants 640 Classon Lender, LLC, 317 Knickerbocker Ave., LLC and 319 Knickerbocker Ave., LLC requests that this action be assigned to the Commercial Division pursuant to the Rules of the Commercial Division, Uniform Rule 202.70 (e). There is no opposition to the request from any other party.

Uniform Rule 202.70 (b) (1) provides that actions may be assigned to the Commercial Division if the principal claims are for "breach of contract or fiduciary duty, fraud, misrepresentation, business tort . . . where the breach or violation is alleged to arise out of business dealings." In New York County, the complaint must also allege damages in excess of \$500,000 or seek equitable or declaratory relief. There is no question that this action, regarding the financing, renovation and sale of two buildings in Brooklyn, meets these standards.

While the Request For Judicial Intervention (RJI) and required Commercial Division Addendum were not filed within 90 days of the filing of the action on December 22, 2015, the 90 days is measured from service of the pleadings (see Uniform Rule 202.70 [d]), which defense counsel advises did not occur until April 2016. Accordingly, the filing of the RJI and addendum on June 16, 2016 is timely.

Accordingly, the request for a transfer to the Commercial Division is granted. The General Clerk's Office is directed to randomly reassign this case to a Justice of the Commercial Division. (A motion to dismiss the complaint is returnable on July 8, 2016 in the E-Filed Submissions Part.)

Dated: June 21, 2016

ENTER:  , A.J.

Check one: FINAL DISPOSITION NON-FINAL DISPOSITION

HON. PETER H. MOULTON
SUPREME COURT JUSTICE