

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

PRESENT: Hon. Peter H. Moulton
Administrative Order

NIA ASSOCIATES LIMITED PARTNERSHIP,

Petitioner,

-against-

INDEX NO. 652202/16

O. WAYNE ISOM,

Respondent.

Administrative Order:

By letter dated June 8, 2016, counsel for respondent O. Wayne Isom requests that this special proceeding be assigned to the Commercial Division pursuant to Uniform Rule 202.70. To date, the court has received no opposition to the request.

This is a dissenting shareholder appraisal proceeding, brought pursuant to Business Corporation Law § 623 (h) - (k), seeking to fix the fair value of respondent's limited partnership interest in the petitioner limited partnership. Although this type of proceeding does not fit squarely into any of the listed categories in Uniform Rule 202.70 (b), I agree with respondent's contention that it is analogous to a dissolution proceeding (see Uniform Rule 202.70 [b] [11]), which similarly requires a business valuation by the court and is appropriately assigned to the Commercial Division "without consideration of the monetary threshold."

Accordingly, the request for a transfer to the Commercial Division is granted. The General Clerk's Office is directed to reassign this case at random from Justice Mendez (IAS Part 13) to a Justice of the Commercial Division. (The petition and a motion for leave to take discovery are both currently returnable in the Motion Submissions Part on June 13, 2016.)

Dated: June 13, 2016

ENTER:  , A.J.

HON. PETER H. MOULTON

Check one: FINAL DISPOSITION

NON-FINAL DISPOSITION **D.S.C.**