

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

PRESENT: Hon. Jacqueline Silbermann  
Administrative Order

---

JAMES E. TOPOR,

Plaintiff,

- v -

INDEX NO. 603182/2006

MOSHE ENBAR, STEVEN KAMHI, 6 ST.  
NICHOLAS TERRACE LLC, 60 WEST 124th  
STREET LLC, 217 WEST 136th STREET, 50  
EAST 119th STREET, LLC, MAGNUM REAL  
ESTATE SERVICES, INC., 23-123rd STREET  
LLC, MICHAEL N. CORITSIDIS and  
CORITSIDIS & LAMBROS, PLLC,

Defendants.

---

Administrative Order:

By letter dated October 19, 2006, counsel for defendants Moshe Enbar, Steven Kamhi, and the six corporate defendants apply for the transfer of this action to the Commercial Division pursuant to Uniform Rule 202.70. The court is advised that counsel for the Coritsidis defendants does not object, and no opposition to this request has been forthcoming plaintiff's counsel.

Uniform Rule 202.70(e) provides that an application to transfer an action into the Commercial Division must be made within 10 days of the party's receipt of a copy of the Request for Judicial Intervention (RJI). The RJI was served by counsel for the Coritsidis defendants on or about October 17th in connection with their motion to dismiss the complaint. The action was designated as "Other Real Property" on the RJI. (As of today's date, the court's computer is not showing that the RJI has been filed or processed by the clerk's office). Therefore, defendants' application is timely.

Uniform Rule 202.70(b)(1) provides that actions in which the principal claims involve or consist of "breach of contract or breach of fiduciary duty, fraud, misrepresentation, business tort (e.g., unfair competition), or statutory and/or common law violation where the breach or violation is alleged to arise out of business dealings" will be heard in the Commercial Division provided the \$100,000 monetary threshold for New York County is met.

There is no question that this action meets the standards for assignment to the Commercial Division, because the complaint alleges claims for fraud, breach of contract, conversion, unjust enrichment and breach of fiduciary duty against the defendants in connection with an alleged business relationship, between plaintiff and defendants Enbar and Kamhi and various corporate entities they control, which involved the acquisition, leasing and management of real estate properties in New York City. In addition, the complaint alleges a claim for legal malpractice and seeks the judicial dissolution of two of the defendant limited liability companies. See Uniform Rule 202.70(b)(8) and (11).

Accordingly, the Motion Support Office is directed to reassign this case at random to a Justice of the Commercial Division.

Dated: October 14, 2006

ENTER: \_\_\_\_\_, A.J.

Check one:  FINAL DISPOSITION  NON-FINAL DISPOSITION