

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

PRESENT: Hon. George J. Silver, Acting Administrative Judge
Administrative Order

ARTEMUS USA LLC and EDELMAN
ARTS, INC.,

Plaintiffs,

- v -

INDEX NO. 656115/2017

LEILA TAGHINIA-MILANI INC., LEILA
HELLER ART GALLERY LLC, LEILA
HELLER and ALEXANDER HELLER,

Defendants.

Administrative Order:

By letter dated October 26, 2017, plaintiffs' counsel timely requests assignment of this action to the Commercial Division pursuant to Commercial Division Rule 202.70 (e). I am informed that counsel for the defendants have no objection to the request.

Actions in which the principal claims are for breach of contract or fiduciary duty, where the breach or violation is alleged to arise out of business dealings, may 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 (Commercial Division Rule 202.70 [a], [b] [1]). This action concerns the consignment by plaintiffs, as agents and owners, of four works of art to defendants. Plaintiffs allege that the parties' consignment agreement requires that defendants purchase the artwork, because the artwork was returned late and/or in a damaged condition. Plaintiff seek damages in the amount of \$1.9 million, plus interest and attorneys' fees. The request is granted since this action meets the standards for assignment to the Commercial Division.

The General Clerk's Office is directed to randomly reassign this action from I.A.S. Part 7 (Lebovits, J.) to a Justice of the Commercial Division. A motion (seq. no. 001) for an extension of time to respond to the complaint is presently returnable in the E-Filed Submissions Part on November 8, 2017.

Dated: October 31, 2017

ENTER: 

, A.J.

Check one: FINAL DISPOSITION

NON-FINAL DISPOSITION