

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

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

ATLANTIS MANAGEMENT GROUP II LLC,

Plaintiff,

- v -

INDEX NO. 651598/2017

RAJAN NABE and RAHUL NABE, and
FARMERS PETROLEUM LLC, BRUCKNER
PETROLEUM LLC, 10TH AVENUE
PETROLEUM LLC, and 138 PETROLEUM LLC,

Defendants.

Administrative Order:

By letter dated September 19, 2017, plaintiff's counsel requests assignment of this action to the Commercial Division pursuant to Commercial Division Rule 202.70 (e). No response to the request has been received.

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]). In addition, claims concerning the internal affairs of business organizations are heard in the Commercial Division (Commercial Division Rule 202.70 [b] [7]). The complaint in this action alleges that defendants are in breach of the Operating Agreements that govern the rights of the members of the defendant limited liability companies, each of which operates a petroleum service station in New York City. Plaintiff, who is allegedly an investor member of each of the companies, seeks an accounting as well as monetary damages and other equitable relief. The request is granted since the action meets the standards for assignment to the Commercial Division and good cause to excuse the delay in filing the Request for Judicial Intervention and Commercial Division Addendum has been demonstrated.

The General Clerk's Office is directed to randomly reassign this action from I.A.S. Part 17 (Hagler, J.) to a Justice of the Commercial Division. (A motion for partial summary judgment is presently returnable in the E-Filed Submissions Part on October 5, 2017.)

Dated: September 27, 2017

ENTER: George J. Silver, A.J.

Check one: FINAL DISPOSITION NON-FINAL DISPOSITION