

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

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

BELLFLOWER FUNDING, LLC,

Plaintiff,

vs.

INDEX NO. 650836/2017

FELICE DISANZA, TWELVE BEE CORPORATION, LLC,
42-21 214th REALTY LLC, DAVID EBRAHIMZADEH,
RONALD MCINERNEY, JR., DOMUS APPRAISALS, and
THE LAW FIRM OF ADAM KALISH, P.C.,

Defendants.

Administrative Order:

Pursuant to Commercial Division Rule 202.70 (e), the Hon. David B. Cohen requests that this action be transferred into the Commercial Division.

Plaintiff was the holder of a mortgage on a Manhattan condominium apartment that was pledged, among other collateral, to secure a loan in the amount of \$1,950,000 to defendant Twelve Bee Corporation, LLC. After Twelve Bee defaulted on the loan, plaintiff completed a non-judicial foreclosure proceeding with regard to the apartment, but plaintiff claims that it cannot sell the apartment since defendants fraudulently and/or negligently failed to advise that the apartment is rent-controlled. The complaint seeks damages in excess of \$2.1 million, alleging claims for breach of the note, breach of a personal guaranty by defendant Felice Disanza, fraud, breach of fiduciary duty, negligence, and unjust enrichment. The nature of the action satisfies both the monetary threshold and the case type requirements for the Commercial Division (see Commercial Division Rule 202.70 [a], [b] [1]).

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. (Motion sequence no. 001 was fully submitted in May 2017, and remains pending; motion sequence 002 is returnable in the E-Filed Submissions Part on August 23, 2017; motion sequence 003 is an unsigned order to show cause).

Dated: August 21, 2017

ENTER: George J. Silver, A.J.

Check one: FINAL DISPOSITION

NON-FINAL DISPOSITION