

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

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

BUY-RITE DEVELOPMENT LLC, DC 139 LLC,
CENTER 139, LLC, RUTH CENTRE STREET
REALTY LLC, AUS INTERNATIONAL LLC,
BENEWILL LLC, MK DEVELOPMENT HOLDINGS,
LLC and ME MYSELF AND KANG LLC,

Plaintiffs,

- v -

INDEX NO. 654561/2017

TSEN-TSEN JIN and THE BOARD OF MANAGERS
OF THE GOLDEN WHEEL CONDOMINIUM,

Defendants.

Administrative Order:

By letter dated July 27, 2017, defense counsel requests that this action be reassigned from Commercial Division Justice O. Peter Sherwood to the Hon. Shirley Werner Kornreich, Commercial Division Part 54, as related to The Golden Wheel Condominium Board of Manager v Margarette Lee, et al., Index No. 651637/2015 (the Golden Wheel action). Defense counsel also requests a temporary stay of discovery. By letter of the same date, plaintiffs' counsel opposes the requests.

The plaintiffs in this action are the eight commercial unit owners on the ground floor of a condominium building located at 139 Centre Street known as the Golden Wheel Condominium (condominium). The principal of one of these commercial unit owners, Me Myself and Kang LLC, is Margarette Lee (Lee), who is also the principal of the condominium's sponsor, AC/Woo Centre Street Owner, LLC (sponsor). Lee is also the owner of a residential penthouse unit in the building known as PH2. Defendant Tsen-Tsen Jin (Jin) is the president of the condominium's board of managers. A prior 2015 lawsuit by Lee alleging that Jin defamed her regarding statements made to other board members about PH2 was dismissed by the Hon. Sholmo Hagler, see Golden Skyline LLC and Margarette Lee v Tsen-Tsen Jin, Index No. 150609/2015.

The Golden Wheel action, also commenced in 2015, concerns the finances and operation of the condominium. In that action, the current board of managers has sued Lee, her husband Ik-Jong Kong, and the sponsor alleging a host of claims regarding the

construction of PH2, Lee's exclusive use of a rooftop terrace, her use of part of the building's loading dock as a parking space, and the allocation of common charges to PH2 and said terrace. The complaint also contends that the building was constructed with numerous defects and was initially mismanaged by Lee and the sponsor-controlled board, and that the commercial unit owners on the first floor of the building (the plaintiffs in this action) do not pay their fair share of the common charges on these units. This third action was commenced on June 29, 2017. The complaint alleges that Jin and the current board improperly and without authorization increased the commercial unit owners' common charges and expenses by 80%, retroactively, in order to benefit themselves and the other non-commercial unit owners.

The request for reassignment of this action to Justice Kornreich is granted. Not only is the personal animus between Lee and Jin a common theme in both actions, they both concern the finances and alleged mismanagement of the Golden Wheel condominium and its allocation of common charges amongst all the unit owners. The request for a temporary stay of discovery is denied.

The General Clerk's Office is directed to reassign this action to the Hon. Shirley Werner Kornreich, Commercial Division Part 54, as related to Index No. 651637/2015. In addition, the preliminary conference, presently scheduled on September 5, 2017, must be rescheduled to a date consistent with Justice Kornreich's calendar practices.

Dated: August 18, 2017

ENTER: George J. Silver, A.J.

Check one: FINAL DISPOSITION NON-FINAL DISPOSITION