

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

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

SIAMAK KOHANOFF,

Plaintiff,

- v -

INDEX NO. 654537/2017

FIRST CAPITAL REAL ESTATE TRUST INC., and
FIRST CAPITAL REAL ESTATE OPERATING
PARTNERSHIP, LP,

Defendants.

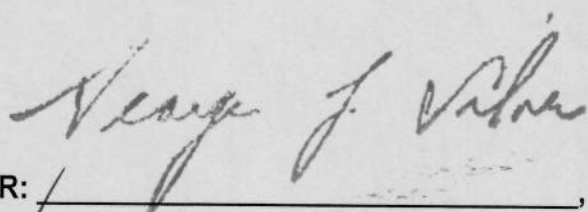
Administrative Order:

By letter dated September 14, 2017, plaintiff's counsel timely requests assignment of this action to the Commercial Division pursuant to Commercial Division Rule 202.70 (e). No opposition 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]). The complaint in this action alleges, inter alia, that defendants are in breach of an "Interest Contribution Agreement," pursuant to which plaintiff agreed to contribute his interest in a limited liability company which indirectly owned certain real property in Brooklyn to defendant First Capital Real Estate Trust Inc., a real estate investment trust, and that defendants presently owe plaintiff damages in excess of \$1.7 million. The request is granted since the 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 42 (Bannon, J.) to a Justice of the Commercial Division. (A motion to dismiss the complaint is presently returnable in the E-Filed Submissions Part on October 6, 2017.)

Dated: September 27, 2017

ENTER:  _____, A.J.

Check one: FINAL DISPOSITION NON-FINAL DISPOSITION