

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

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

LENOX NY LLC,

Plaintiff,

- v -

INDEX NO. 655585/2017

JAMES GOLDMAN,

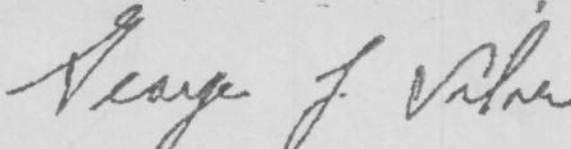
Defendant.

Administrative Order:

By letter dated October 13, 2017, plaintiff's counsel timely 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]). This action is brought, pursuant to CPLR 3213, seeking to enforce the terms of a personal guaranty of two commercial leases. Although the original motion for summary judgment in lieu of complaint did not satisfy the monetary threshold for New York County, on October 6, 2017, plaintiff filed an amended motion to increase the damage claim to in excess of \$2 million. Plaintiff's request for assignment to the Commercial Division is granted since the action now 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 43 (Reed, J.) to a Justice of the Commercial Division. The amended motion for summary judgment in lieu of complaint is currently returnable on November 30, 2017 in the e-filed submissions part.



Dated: October 31, 2017

ENTER: _____, A.J.

Check one: FINAL DISPOSITION NON-FINAL DISPOSITION