

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

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

THE NATIONAL COLLEGIATE MASTER STUDENT
LOAN TRUST I, et al.,

Plaintiffs,

- v -

INDEX NO. 652165/2017

WILMINGTON TRUST COMPANY and GSS DATA
SERVICES,

Defendants.

Administrative Order:

By letter dated September 14, 2017, counsel for defendant GSS Data Services requests assignment of this action to the Commercial Division pursuant to Commercial Division Rule 202.70 (e). I am advised that all parties consent to the request.

Actions in which the principal claims are for breach of contract, 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 that defendants are in breach of various contracts by their failure to approve the payment of legal fees to counsel for the plaintiff loan trusts. The amount in controversy is in excess of \$1.4 million and the complaint seeks equitable and declaratory relief. This action is not, however, a run of the mill suit to collect professional fees, which are excluded from the Commercial Division (see Commercial Division Rule 202.70 [c] 1)), but involves the administration and ownership of a complex commercial student loan securitization. For this reason, it is appropriately assigned to the Commercial Division. And while I am not convinced that good cause to excuse the six-week delay in making this application has been demonstrated, since all parties consent to the request and no substantive work has been done by the assigned judge, the request is granted.

The General Clerk's Office is directed to randomly reassign this action from I.A.S. Part 58 (Cohen J.) to a Justice of the Commercial Division. (Motions to dismiss the complaint were marked submitted in the E-Filed Submissions Part on September 15, 2017.)

Dated: September 27, 2017

ENTER: George J. Silver, A.J.

Check one: FINAL DISPOSITION NON-FINAL DISPOSITION