

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

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

SAHARA PLAZA LLC,

Plaintiff,

- v -

INDEX NO. 655202/2017

ASULIN GALLERY LLC, ASULIN GALLERIES
58 INC., MEYER ASSOULIN A/K/A MARIO
ASSOULIN, and XYZ CORP.,

Defendants.

Administrative Order:

By letters dated September 26 and 27, 2017, plaintiff's counsel timely requests assignment of this action to the Commercial Division pursuant to Commercial Division Rule 202.70 (e). Counsel for the defendants opposes the request by his letters dated September 26 and 28, 2017.

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]). In addition, transactions involving commercial real property, with the exclusion of actions for the payment of rent only are heard in the Commercial Division (see Commercial Division Rule 202.70 [b] [3]).

This action concerns the leasing of commercial space at The Plaza Hotel to defendant Asulin Gallery LLC (tenant). In addition to seeking unpaid rent well in excess of \$500,000 from the tenant and from an allegedly affiliated corporation, the complaint seeks an order and judgment of ejectment, and seeks to enforce a personal guaranty of the lease against defendant Meyer Assoulin a/k/a Mario Assoulin. The request is granted since this 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 43 (Reed, J.) to a Justice of the Commercial Division. (A request for a preliminary conference was filed on September 25, 2017.)

Dated: October 3, 2017

ENTER: George J. Silver, A.J.

Check one: FINAL DISPOSITION

NON-FINAL DISPOSITION