

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

PRESENT: Hon. Peter H. Moulton
Administrative Order

MICHAEL CULP and DEBORAH BRONSTON-CULP,

Plaintiffs,

- v -

INDEX NO. 160889/2016

ESSEKS, HEFTER & ANGEL, LLP and
MARTIN R. GILMARTIN, Esq.,

Defendants.

Administrative Order:

By letter dated April 7, 2017, counsel for the defendants timely requests that this action be transferred into the Commercial Division pursuant to Commercial Division Rule 202.70 (e). To date, no opposition to this request has been received.

Defendants contends that this action meets the standards for assignment to the Commercial Division pursuant to Commercial Division Rule 202.70 (b) (8), because it asserts a claim for legal malpractice arising out of representation in a commercial matter (see also Commercial Division Rule 202.70 [c] [6]). The principal claim in this action is for legal malpractice arising out of defendants' representation of plaintiffs in connection with the purchase and sale of residential real estate. Thus, the underlying matter is not commercial (see Commercial Division Rule 202.70 [c] [3]).

The request for a transfer to the Commercial Division is denied.

Dated: April 17, 2017

ENTER: , A.J.

Check one: FINAL DISPOSITION

NON-FINAL DISPOSITION 