

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

PRESENT: Hon. Peter H. Moulton  
Administrative Order

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HAND BALDACHIN & AMBURGEY LLP,

Plaintiff,

- v -

INDEX NO. 656125/2016

JOHN BARRETT, INC. and  
JOHN BARRETT HOLDINGS, LLC,

Defendants.

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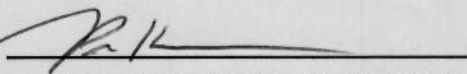
Administrative Order:

By letter dated February 17, 2017, counsel for plaintiff on the counterclaims requests assignment of this action to the Commercial Division pursuant to Uniform Rule 202.70 (e). No opposition to the request has been received.

This court has ruled on multiple occasions that the monetary threshold can be met by the ad damnum clause of a counterclaim (see e.g. LCS Restoration Corp. v Workspace, Inc., Index No. 155032/2016 [Admin. Order dated Oct. 4, 2016]; Goldberg v Kooser, Index No. 651601/2016 [Admin. Order dated Aug. 17, 2016]; Krauter & Co. v Ross, Index No. 160972/2015 [Admin. Order dated Jan. 27, 2016]). This interpretation is consistent with the Commercial Division Addendum form which requires the filing party to include a brief description of any counterclaims, "including claim for monetary relief."

The plaintiff's request for assignment to the Commercial Division is granted, since the defendants' amended answer asserts counterclaims for legal malpractice arising out of representation in commercial matters (Uniform Rule 202.70 [b] [8]), and seeks damages in excess of \$11 million (Uniform Rule 202.70 [a]). The General Clerk's Office is directed to re-assign this case at random to a Justice of the Commercial Division.

Dated: February 27, 2017

ENTER:  , A.J.

HON. PETER H. MOULTON  
SUPREME COURT JUSTICE

Check one:  FINAL DISPOSITION  NON-FINAL DISPOSITION