

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

PRESENT: Hon. Peter H. Moulton  
Administrative Order

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KING CONSTRUCTION & DESIGN INC.,

Plaintiff,

- v -

INDEX NO. 150105/2017

HOWARD ALTMAN, AS TRUSTEE OF THE  
NEW TRUST DATED JANUARY 2004 and  
CITY NATIONAL BANK, N.A.,

Defendants.

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Administrative Order:

By letters dated April 13 and 18, 2017, counsel for defendant Howard Altman, as Trustee of the New Trust Dated January 2004, timely requests that this action be reassigned to the Commercial Division pursuant to Commercial Division Rule 202.70 (e). By letter dated April 14, 2017, plaintiff's counsel opposes the request on the ground that this is a dispute regarding residential real property and, thus, is excluded from the Commercial Division by virtue of Commercial Division Rule 202.70 (c) (3).

In this action, plaintiff sues to recover the value of its services in connection with the renovation of a private residence located on Washington Street in Manhattan and to foreclose on its mechanic's lien. In addition to the fact that this dispute concerns residential real property, as plaintiff correctly argues, Commercial Division Rule 202.70 (c) (4) makes clear that disputes concerning "[h]ome improvement contracts involving residential properties consisting of one to four residential units" will not be heard in the Commercial Division, even if the monetary threshold is met.

Defendant's request to reassign this action to the Commercial Division is denied.

Dated: April 24, 2017

ENTER:  \_\_\_\_\_, A.J.

Check one:  FINAL DISPOSITION  NON-FINAL DISPOSITION