

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

PRESENT: Hon. Peter H. Moulton  
Administrative Order

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ADAM PIEKARSKI,

Plaintiff,

- v -

INDEX NO. 655009/2016

MERIBEAR PRODUCTIONS, INC., D/B/A  
MERIDETH BAER HOME and  
MEREDITH BAER,

Defendants.

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Administrative Order:

By letter dated April 7, 2017, plaintiff's counsel seeks review of the March 27th order of the Hon. O. Peter Sherwood transferring this action out of the Commercial Division. By virtue of that order, the case is now assigned to the Hon. Robert Reed (I.A.S. Part 43). The court has not received any response to this letter.

This action concerns an agreement for private interior design and the leasing of luxury furniture at a cost of \$55,000. Plaintiff alleges that he and other consumers are victimized by the same deceptive and fraudulent acts and practices, and thus purports to bring his claim for compensatory and punitive damages as a class action lawsuit. Justice Sherwood transferred this action to a non-commercial part on the ground that it does not meet the \$500,000 jurisdictional threshold for New York County. Plaintiff is correct that commercial class actions may be assigned to the Commercial Division "without consideration of the monetary threshold" (Commercial Division Rule 202.70 [b] [5]). However, after conferring with Justice Sherwood, we agree that this action is, in essence, a consumer transaction that does not warrant assignment to the Commercial Division.

Accordingly, plaintiff's request that this action be reinstated to the Commercial Division is denied.

Dated: April 28, 2017

ENTER: , A.J.

Check one:  FINAL DISPOSITION  NON-FINAL DISPOSITION